

## **DRAFT AGENDA**

**REGULAR COUNCIL MEETING  
TUESDAY  
MARCH 5, 2013**

**COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
4:00 P.M. AND 6:00 P.M.**

### **4:00 P.M. MEETING**

*Individual Items on the 4:00 p.m. meeting agenda may be postponed to the 6:00 p.m. meeting.*

#### **1. CALL TO ORDER**

##### **NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

#### **2. ROLL CALL**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

MAYOR NABOURS  
VICE MAYOR EVANS  
COUNCILMEMBER BAROTZ  
COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON  
COUNCILMEMBER WOODSON

#### **3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT**

##### **MISSION STATEMENT**

The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.

#### **4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

#### **5. PUBLIC PARTICIPATION**

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

#### **6. PROCLAMATIONS AND RECOGNITIONS**

**7. APPOINTMENTS**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body..., pursuant to A.R.S. §38-431.03(A)(1).

**A. Consideration of Appointments: Airport Commission.****RECOMMENDED ACTION:**

Make one appointment to term expiring October 2013.

**B. Consideration of Appointments: Transportation Commission.****RECOMMENDED ACTION:**

Make one appointment to term expiring July 2015.

**C. Consideration of Appointments: Public Safety Personnel Retirement System Board.****RECOMMENDED ACTION:**

Approve the Mayor's appointments, one term expiring in January 2015 and one term expiring September 2015.

**8. LIQUOR LICENSE PUBLIC HEARINGS****A. Consideration and Action on Liquor License Application: Lauren Merrett, "Maverik", 1690 W. Rte 66, Series 09 (liquor store - all spirituous liquor), Person Transfer and Location Transfer.****RECOMMENDED ACTION:**

Open the public hearing.  
Receive citizen input.  
Close the public hearing.

The City Council has the option to:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with no recommendation; or
3. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

**9. CONSENT ITEMS**

**ALL MATTERS UNDER 'CONSENT AGENDA' ARE CONSIDERED BY THE CITY COUNCIL TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION APPROVING THE RECOMMENDATIONS LISTED ON THE AGENDA. UNLESS OTHERWISE INDICATED, EXPENDITURES APPROVED BY COUNCIL ARE BUDGETED ITEMS.**

None submitted.

**10. ROUTINE ITEMS**

- A. Consideration and Approval of Proposal and Award of Contract:** Residential & Commercial Plan Review Service.

**RECOMMENDED ACTION:**

Consider approving the proposal and awarding the contract to Brown & Associates @ 65% of the adopted plan review fee or \$80.00 per hour.

**RECESS****6:00 P.M. MEETING****RECONVENE****NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

**11. ROLL CALL**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

MAYOR NABOURS

VICE MAYOR EVANS

COUNCILMEMBER BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

**12. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA****13. PUBLIC HEARING ITEMS**

None submitted.

**14. REGULAR AGENDA**

- A. Consideration of Audited Financial Reports:** Year ending June 30, 2012.

**RECOMMENDED ACTION:**

Approve the June 30, 2012, Comprehensive Annual Financial Report and the Single Audit Report as recommended by the City of Flagstaff Audit Committee.

- B. Consideration of Ordinance No. 2013-08:** An Ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 14, Human Relations, by adding Chapter 2, Civil Rights.

**RECOMMENDED ACTION:**

- 1) Read Ordinance No. 2013-08 by title only for the final time
- 2) City Clerk reads Ordinance No. 2013-08 by title only for the final time (if approved above)
- 3) Adopt Ordinance No. 2013-08

- C. Consideration and Adoption of Resolution No. 2013-02:** A Resolution of the City Council of the City of Flagstaff designating the "2013 City of Flagstaff Parks and Recreation Organizational Master Plan" as a public record and adopting the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan.

**RECOMMENDED ACTION:**

Should the Council wish to move forward with adoption of the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan as presented:

- 1) Read Resolution No. 2013-02 by title only.
- 2) City Clerk reads Resolution No. 2013-02 (if approved above).
- 3) Adopt Resolution No. 2013-02.

**15. DISCUSSION ITEMS**

- A. Discussion Item and Possible Action:** Discontinuance of the Izabel Homes Project.

**RECOMMENDED ACTION:**

Council direction.

- B. Discussion Item and Possible Action:** Ordinance re feeding of wildlife.

**RECOMMENDED ACTION:**

Council direction.

**16. PUBLIC PARTICIPATION**

**17. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS**

**18. ADJOURNMENT**

**CERTIFICATE OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Elizabeth A. Burke, MMC, City Clerk



**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, Deputy City Clerk  
**Date:** 02/21/2013  
**Meeting Date:** 03/05/2013



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**TITLE:**

**Consideration of Appointments:** Airport Commission.

**RECOMMENDED ACTION:**

Make one appointment to term expiring October 2013.

**Policy Decision or Reason for Action:**

By making the above appointment, the Airport Commission will be at full membership.

There are two applications on file and they are as follows:

Daniel Del Manaco

Terry Marxen (served two terms from 06/07 - 10/12; first term was partial)

**Financial Impact:**

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

**Connection to Council Goal:**

Effective governance.

**Has There Been Previous Council Decision on This:**

None.

**Options and Alternatives:**

1) Appoint one Commissioner: by appointing member at this time, the Airport Commission be at full membership, allowing the group to meet and provide recommendations to the City Council.

2) Table the action to allow for further discussion or expand the list of candidates.

**Background/History:**

The Airport Commission consists of seven citizens serving three-year terms. There is currently one seat available.

The Airport Commission is responsible for reviewing and reporting to the Council on the development of the Airpark and on matters affecting the operation and efficiency of the airport, using the Airport Master Plan as a guide.

**Key Considerations:**

It is important to fill the vacancies so as to allow the Commission to continue meeting on a regular basis.

**Expanded Financial Considerations:**

The City's boards, commissions, and committees were created to foster public participation and input and to encourage Flagstaff citizens to take an active role in city government.

**Community Benefits and Considerations:**

INFORM: Board members and City staff have informed the community of this vacancy through word of mouth in addition to the vacancies being posted on the City's website.

**Community Involvement:****COUNCIL INTERVIEW TEAM:**

Mayor Nabours  
Councilmember Oravits

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**Attachments:**    [Airport Commission Roster](#)  
                          [Airport Commission Authority](#)  
                          [Airport Commission Applicant Roster](#)  
                          [Airport Commission Applications](#)

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**Form Review**

Inbox	Reviewed By	Date
DCM - Jerene Watson	Jerene Watson	02/22/2013 09:20 AM
Form Started By: Stacy Saltzburg		Started On: 02/21/2013 01:38 PM
	Final Approval Date: 02/22/2013	



## *City of Flagstaff, AZ*

### AIRPORT COMMISSION MEMBERS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<b><u>Brace, Roger</u></b> Facility Electrical/W. L. Gore 603 W. Beal Rd. Flagstaff, AZ 86001 Home Phone: 556-9123 Term: 1st	<b>06/07/2011</b>	<b>10/14</b>	<b>10/20/2011</b>
<b><u>Evans, Matthew</u></b> Vice-President/Relationship Mgr./National Bank of America 2138 Tombaugh Way Flagstaff, AZ 86001 Cell Phone: 600-1387 Term: (1st 1/08 - 10/10; 2nd 10/10 - 10/13)	<b>11/17/2010</b>	<b>10/13</b>	<b>No</b>
<b><u>Gavin, April</u></b> Executive Assistant/Flagstaff Chamber of Commerce 2520 E. Linda Vista Flagstaff, AZ 86004 Work Phone: 928-774-4505 Term: (1st 2/12 - 10/12; 2nd 10/12-10/15)	<b>12/04/2012</b>	<b>10/15</b>	<b>02/16/2012</b>
<b><u>Keegan, Jack</u></b> Retired 3295 S. Tehama Circle Flagstaff, AZ 86001 Home Phone: 928-266-0889 Term: (1st 10/08 - 10/11; 2nd 10/11 - 10/14)	<b>02/07/2012</b>	<b>10/14</b>	<b>10/08/2008</b>



## *City of Flagstaff, AZ*

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**Shankland, Paul****02/07/2012****10/14****No**

Director and Installation Commander/U.S.  
Navel Observatory  
3217 West Lois Lane  
Flagstaff, AZ 86001  
Home Phone: 336-508-6317  
Term: (1st 2/12 - 10/14)

**Wallace, James****12/04/2012****10/15****No**

CEO/Greystoke Engineering  
4443 E. Burning Tree Loop  
Flagstaff, AZ 86004  
Cell Phone: 928-380-0976  
Term: (1st 12/12-10/15)

**Z-VACANT,****10/13****No**

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**Staff Representative: Barney Helmick****As Of: February 21, 2013**

CHAPTER 2-11  
FLAGSTAFF AIRPORT COMMISSION

SECTIONS:

<a href="#"><u>2-11-001-0001</u></a>	COMMISSION CREATED:
<a href="#"><u>2-11-001-0002</u></a>	COMPOSITION; TERMS:
<a href="#"><u>2-11-001-0003</u></a>	ORGANIZATION:
<a href="#"><u>2-11-001-0004</u></a>	COMPENSATION:
<a href="#"><u>2-11-001-0005</u></a>	MEETINGS:
<a href="#"><u>2-11-001-0006</u></a>	ACTIONS OF THE COMMISSION:

SECTION 2-11-001-0001 COMMISSION CREATED:

There is hereby established the Flagstaff Airport Commission to be composed of seven<sup>1</sup> (7) members who shall meet as hereinafter provided to consider and deliberate upon matters of concern to the City Council and citizens that affect the operation and efficiency of the airport toward the end of providing an optimum level of services within available resources using the Airport Master Plan as a basic guide. (Ord. 1897, 11/21/95)

(Ord. No. 1897, Amended, 11/21/95)

SECTION 2-11-001-0002 COMPOSITION; TERMS:

The composition of the membership of the Commission shall be as follows:

A. A Councilmember, designated by the City Council, to serve as a non-voting, ex-officio member. (Res. 1045, 9-20-77)

B. Seven (7) members to be appointed by the City Council who shall serve for three (3) year terms, on a staggered basis. (Ord. 1897, 11/21/95)

C. Ex-Officio Members: The following persons shall be ex-officio members of the Commission, but shall have no vote:

The Mayor  
The City Manager  
The Airport Manager  
The FAA Tower Operator

D. A quorum shall be one more than half the voting members.

(Ord. No. 1897, Amended, 11/21/95); (Ord. No. 2007-03, Amended 02/06/2007)

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<sup>1</sup> Ordinance No. 1897, adopted 11/21/95, reduced the amount of membership from nine to seven; however, when the final ordinance was printed and signed, the numbers had inadvertently been reversed. The City Code reflects the intent of the action taken by the City Council.

SECTION 2-11-001-0003 ORGANIZATION:

At the first meeting after appointment and at the first meeting held in any calendar year thereafter, the members of the Commission shall elect a Chairperson and Vice-Chairperson. (Ord. No. 2007-03, Amended 02/06/2007)

SECTION 2-11-001-0004 COMPENSATION:

The members of the Commission may be reimbursed by the City for necessary travel and subsistence expenses, but shall not receive compensation for their services. Any such travel must be approved in advance by the City Council or the City Manager with all budgetary considerations taken into account.

SECTION 2-11-001-0005 MEETINGS:

The Commission shall hold regular monthly meetings, which shall at all times be open to the public, the time and place of said meetings shall be posted in accordance with any currently applicable Arizona State Statutes regulating public meetings and proceedings (open meeting laws). Special meetings may be called by the Chairperson on twenty-four (24) hours' notice.

SECTION 2-11-001-0006 ACTIONS OF THE COMMISSION:

A. The Commission, with the consent of the City Manager, may call on all City divisions for assistance in the performance of its duties, and it shall be the duty of such divisions to render such assistance to the Commission as may be reasonably required.

B. All discussions, deliberations, actions and recommendations of the Commission shall be advisory to the City Council, and such advisories as the Commission may from time to time make shall be forwarded to the City Council through the City Manager. (Res. 1045, 9-20-77)



## *City of Flagstaff, AZ*

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### AIRPORT COMMISSION APPLICANTS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<b><u>Del Monaco, Daniel</u></b> Commercial Banker/Alliance Bank of Arizona 3316 S. Debbie St. Flagstaff, AZ 86001 Cell Phone: 928-716-2450			No
<b><u>Marxen, Terry</u></b> Owner/Terry Marxen Cheverolet 1520 W. Tolchaco Rd. Flagstaff, AZ 86001 Work Phone: 928-774-2794			No

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**Staff Representative:**      **Barney Helmick**


**As Of:   February 21, 2013**

**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF  
APPLICATION TO SERVE ON A BOARD/COMMISSION**

**RECEIVED**

**DEC 29 2012**

BY:   
86001

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.  
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: December 28, 2012

BOARD/COMMISSION YOU WISH TO SERVE ON: Airport Commission

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: \_\_\_\_\_

YOUR NAME: Daniel Del Monaco HOME PHONE: \_\_\_\_\_

HOME ADDRESS: 3316 S. Debbie St. ZIP: 86001

MAILING ADDRESS (If Different from Above): \_\_\_\_\_

EMPLOYER: Alliance Bank of Arizona JOB TITLE: Commercial Banker

BUS. PHONE: 928-214-3410 CELL: 928-716-2450 E-MAIL: ddeimonaco@alliancebankofarizona.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME ☐ WORK ☒ CELL ☒

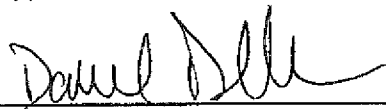
**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

Over the past decade I have been involved in many community activities including the Airport Authority Finance Committee, Chamber of Commerce Board of Directors, Kingman Regional Medical Center Foundation, and Mohave County Board of Adjustments to name a few. These boards and commissions have provided many learning experiences given the vast structure of the organizations, development in mission and values, and how to help propel thoughts and ideas into reality. In addition to the previous community activities, I have been very involved in business development and I have a solid understanding of how business operate. I also have a bachelors degree and two masters degrees.

**Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)**

I have recently relocated from Kingman, AZ to the Flagstaff market and want to continue to be involved in civic activities by volunteering my time and experience. Given my background and experiences, I believe I could be an asset to the community

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.



Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.



**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF  
APPLICATION TO SERVE ON A BOARD/COMMISSION**

**RECEIVED**

JAN 11 2013

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.  
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: 11/9/12

BOARD/COMMISSION YOU WISH TO SERVE ON: AIRPORT

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: COMMISSIONER

YOUR NAME: TERRY MARXEN HOME PHONE: 928-774-3965

HOME ADDRESS: 1520 W. TOLCHACO RD. ZIP: 86001

MAILING ADDRESS (If Different from Above): \_\_\_\_\_

EMPLOYER: TERRY MARXEN CHEV JOB TITLE: OWNER

BUS. PHONE: 928-774-2794 CELL: 928-600-0840 E-MAIL: TMARXEN@AOL.COM

PLEASE INDICATE PREFERRED TELEPHONE: HOME ☐ WORK ☒ CELL ☐

**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

*I AM A PRIVATE PILOT AND I FEEL WE HAVE MORE WORK TO DO IN TRYING TO SECURE AN ADDITIONAL AIRLINE FOR THE CITY OF FLAGSTAFF.*

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

*SERVE A SECOND TERM*

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

Terry Marxen  
Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, Deputy City Clerk  
**Date:** 02/21/2013  
**Meeting Date:** 03/05/2013



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**TITLE:**

**Consideration of Appointments:** Transportation Commission.

**RECOMMENDED ACTION:**

Make one appointment to term expiring July 2015.

**Policy Decision or Reason for Action:**

By making the above appointment, the Transportation Commission will be at near full membership and will be able to continue meeting on a regular basis. There are three applications on file, they are as follows:

Robin Blankenbaker  
Gary Robbins  
Jeffrey Stevenson

**Financial Impact:**

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

**Connection to Council Goal:**

Effective governance.

**Has There Been Previous Council Decision on This:**

None.

**Options and Alternatives:**

- 1) Appoint one Commissioner: By appointing member at this time, the Transportation Commission will be at near full membership, allowing the group to meet and provide recommendations to the City Council.
- 2) Table the action to allow for further discussion or expand the list of candidates.

**Background/History:**

The Transportation Commission consists of seven voting members (a representative from the Flagstaff Unified School District and six citizens) and two non-voting members (City Traffic Engineer and a Police Department representative). While there are currently two citizen seats available, the Commission and staff are in the process of bringing forward recommended changes to the make-up of the Commission to have the sixth citizen seat (currently vacant) be filled by a representative of NAITPA. Therefore, at this time staff is requesting that just the one vacancy be filled. The proposed changes are expected to be before Council within the next few months.

The Transportation Commission reviews requests for changes in traffic regulations and formulates and recommends traffic-related policies and ordinances to the Council. The commission sponsors two subcommittees: the Bicycle Advisory Committee and the Pedestrian Advisory Committee, each consisting of seven voting members.

**Key Considerations:**

It is important to fill the vacancies so as to allow the Commission to continue meeting on a regular basis.

**Expanded Financial Considerations:**

None.

**Community Benefits and Considerations:**

The City's boards, commissions, and committees were created to foster public participation and input and to encourage Flagstaff citizens to take an active role in city government.

**Community Involvement:**

INFORM: The vacancies are posted on the City's website and individual recruitment and mention of the opening by Board members and City staff has occurred, informing others of this vacancy through word of mouth.

**Expanded Options and Alternatives:**

**COUNCIL INTERVIEW TEAM:** Councilmember Oravits and Mayor Nabours.

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**Attachments:**    [Transportation Commission Roster](#)  
                          [Transportation Commission Authority](#)  
                          [Transportation Commission Applicant Roster](#)  
                          [Transportation Commission Applications](#)

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**Form Review**

Inbox	Reviewed By	Date
DCM - Jerene Watson	Jerene Watson	02/22/2013 09:19 AM
Form Started By: Stacy Saltzburg		Started On: 02/21/2013 02:12 PM
	Final Approval Date: 02/22/2013	



## *City of Flagstaff, AZ*

### TRANSPORTATION COMMISSION MEMBERS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<b><u>Jensen, Willis</u></b> CITIZEN MEMBER Statistician/W.L. Gore & Associates 2780 N. Eddy Drive Flagstaff, AZ 86001 Home Phone: 226-6948 Term: (1st 3/07-7/07; 2nd-7/07-7/10; 3rd 7/10-7/13)	10/19/2010	07/13	10/17/2007
<b><u>Kuhn, Bob</u></b> SCHOOL REPRESENTATIVE Flagstaff Unified School District 3285 E. Sparrow St. Flagstaff, AZ 86004 Work Phone: 527-6011		Indefinite	No
<b><u>Miller, Walt</u></b> POLICE DEPT. REPRESENTATIVE Deputy Chief/City of Flagstaff Police Dept. 911 E. Sawmill Rd. Flagstaff, AZ 86001 Work Phone: 774-3646		Indefinite	04/18/2007
<b><u>Mullen, Robert</u></b> CITIZEN MEMBER Instructor/NAU P.O. Box 3809 Flagstaff, AZ 86003 Cell Phone: 928-600-6643 Term: (1st 5/11-7/14)	05/03/2011	07/14	10/20/2011



## *City of Flagstaff, AZ*

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<b><u>Parkes, Kevin</u></b>	<b>10/19/2010</b>	<b>07/13</b>	<b>No</b>
CITIZEN MEMBER Budget Officer/Grand Canyon National Park 1738 West University Heights Drive South Flagstaff, AZ 86001 Term: (1st 10/10-7/13)			
<b><u>Spice, Derik</u></b>	<b>02/21/2012</b>	<b>07/14</b>	<b>No</b>
CITIZEN MEMBER Grand Canyon River Guide/Ski Patroller/Arizona Raft Adventures/Arizona Snowbowl 2008 N. 2nd St Flagstaff, AZ 86004 Cell Phone: 435-901-1302 Term: (1st 2/12-7/14)			
<b><u>Z-VACANT,</u></b>		<b>07/15</b>	<b>No</b>
CITIZEN MEMBER			
<b><u>Z-VACANT,</u></b>		<b>07/15</b>	<b>No</b>
NAIPTA REPRESENTATIVE			

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**Staff Representative: Jeff Bauman**

**As Of: February 21, 2013**

CHAPTER 2-12  
TRANSPORTATION COMMISSION

SECTIONS:

<a href="#"><u>2-12-001-0001</u></a>	CITY POLICY:
<a href="#"><u>2-12-001-0002</u></a>	CREATION OF THE FLAGSTAFF TRAFFIC COMMISSION:
<a href="#"><u>2-12-001-0003</u></a>	TERMS OF OFFICE:
<a href="#"><u>2-12-001-0004</u></a>	MEETINGS:
<a href="#"><u>2-12-001-0005</u></a>	FUNCTIONS OF THE COMMISSION:
<a href="#"><u>2-12-001-0006</u></a>	OTHER POWERS:
<a href="#"><u>2-12-001-0007</u></a>	APPEAL PROCEDURE:

SECTION 2-12-001-0001      CITY POLICY:

It is the policy of the City, in the exercise of the powers vested in the City Council for the protection of the public safety and promotion of the general welfare, to promote the safety of the traveling public and to improve utilization of the public ways for all forms of transportation.

**SECTION 2-12-001-0002      CREATION OF THE TRANSPORTATION COMMISSION**

A. There is hereby created a commission to be known as the Transportation Commission. The Commission shall consist of seven (7) voting members and two (2) non-voting members.

1. Voting members:

- a. The Superintendent of the Flagstaff Unified School District or his/her designated representative.
- b. Six (6) citizen members appointed by the City Council.

2. Ex-officio, non-voting members:

- a. One City of Flagstaff police officer appointed by the Chief of Police.
- b. The Traffic Engineer.

In addition, the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.

B. Officers of the Commission shall be elected by the voting members of the Commission from the citizen membership.

(Ord. No. 2007-21, Amended 02/06/2007; Ord. 2010-14, Amended 6/15/10)

SECTION 2-12-001-0003      TERMS OF OFFICE:

Citizen members of the Commission shall serve staggered three (3) year terms.

A member's term of office shall commence with the first regular Commission meeting following his appointment and terminate with the regular Commission meeting at which his successor takes office.

A Commission member who is absent from three consecutive regular meetings may have their remaining term terminated by a vote of the City Council upon recommendation of the Commission.

(Ord. No. 1942, Amended, 05/06/97); Ord. 2010-14, Amended 6/15/2010)

#### SECTION 2-12-001-0004 MEETINGS

The Commission shall meet at least once each month at a regularly scheduled time and place to be designated by the Commission, and shall hold such special meetings as the membership shall decide and at such times and places as the Commission shall specify.

Meetings shall be conducted in accordance with the Board and Commission Members' Handbook adopted by resolution of the Flagstaff City council, and in compliance with all other local, state, and federal laws.

A quorum shall be one more than half the voting membership of the Commission.

(Ord. 2010-14, Amended 06/15/2010)

#### SECTION 2-12-001-0005 FUNCTIONS OF THE COMMISSION:

The functions of the Commission shall be:

A. To adopt traffic regulations or deny requests for changes in traffic regulations as follows:

1. To investigate and make determinations on traffic regulation items forwarded to it by the Transportation Engineering Program.
2. To hear the appeals of traffic regulation decisions of the Transportation Engineering Program as set forth in 9-01-001-0007 C. of the City Code
3. To forward to the City Council those traffic regulation items which it deems to be of sufficient interest to the general public as to require decision by the Council.

B. To formulate and recommend policies and ordinances to the City Council governing the general operations of the City streets, alleys, sidewalks and bikeways.

- C. To review periodically traffic regulation actions of the Transportation Engineering Program.
- D. To promote pedestrian, bicycle, transit and driver education programs in the school systems and to disseminate traffic and safety information to the public at large.
- E. To annually advise the City Council of the progress and expenditures of the City's Transportation Capital Improvements Program as related to the Election of May 2000. To carry out this function, the Transportation Commission shall:
  - 1. Meet biannually with the City's Capital Improvements and Financial Services Staff to review the progress of the Transportation Capital Improvement Program's ("CIP") planning and programming efforts;
  - 2. Ensure there is a coordinated approach for budgeting and expending transportation sales tax revenues for all transportation modes;
  - 3. Provide input on the Transportation CIP's prioritization scoring criteria;
  - 4. Provide a forum for public comment and input regarding the Transportation CIP;
  - 5. Publish an annual Transportation CIP Advisory Report; and
  - 6. Present the findings of said report to the City Council during a public meeting in conjunction with the annual budget process. At a minimum, the report shall discuss the previous years' income/expenditures, construction projects and planning activities.
- F. To perform other duties relating to public safety within the scope of this Commission.

(Ord. No. 2007-21, Amended 02/06/2007; Ord. No. 2010-14, Amended 06/15/2010)

SECTION 2-12-001-0006 OTHER POWERS:

- A. The Commission shall have the power to appoint subcommittees for the purpose of defining problems areas of traffic and traffic safety; proposing solutions to defined problems; or for any other undertaking which will reasonably lead to safer and more efficient traffic flow in the City.
- B. The City Council hereby establishes the following advisory committees to the Transportation Commission to provide advice on special traffic and transportation topics, and delegates to the commission the power



to appoint members to these committees. No member of the Transportation Commission shall be a member of an advisory committee. The City Council retains the power to remove a member of an advisory committee for the reasons specified in the City's Board and Commission Members' Handbook.

1. Bicycle Advisory Committee: Seven (7) citizen members appointed for a three-year term. No member may serve more than two three-year terms.
2. Pedestrian Advisory Committee: Seven (7) citizen members appointed for a three-year term. No member may serve more than two three-year terms.

C. The Transportation Commission shall define the operating procedures of the advisory committees, assuring compliance with the Arizona Open Meeting Law, and the City's Board and Commission Members' Handbook, including, but not limited to:

1. The advisory committees shall report on their activities to the Transportation Commission at each commission meeting.
2. The advisory committees shall investigate, consider, and make recommendations to the Transportation Commission on items assigned to them by the Commission regarding their respective areas of interest.
3. The advisory committees shall bring to the Transportation Commission items of a planning, design, or regulatory nature that come to their attention regarding the City's pedestrian and bikeway systems.

(Ord. No. 2007-21, Amended 03/06/2007); (Ord. No. 2007-21, Amended 02/06/2007); (Ordinance No. 2010-14, 06/15/2010)

#### SECTION 2-12-001-0007 APPEAL PROCEDURE:

Traffic regulation decisions of the Transportation Commission, as set forth in Section 2-12-001-0006 A., may be appealed by any aggrieved party to the City Council by presentation of a request for such an appeal in writing to the Traffic Engineering Section within ten (10) working days of the date of the Commission's action. The appeal shall be placed on the currently open agenda for the next regularly scheduled Council Meeting. The Council may hear arguments and shall make the final decision on the matter. (Ord. 1349, 2-19-85); (Ord. No. 2007-21, Amended 02/06/2007); (Ordinance No. 2010-14, 06/15/2010)



## *City of Flagstaff, AZ*

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### **TRANSPORTATION COMMISSION APPLICANTS**

<b><u>NAME</u></b>	<b><u>APPOINTED</u></b>	<b><u>TERM EXPIRES</u></b>	<b><u>TRAINING COMPLETED</u></b>
<b><u>Blankenbaker, Robin</u></b> Quality/Regulated Compliance/WL Gore and Associates 4160 N. Zermatt Way Flagstaff, AZ 86004 Cell Phone: 828-545-6393			<b>No</b>
<b><u>Robbins, Gary</u></b> Attorney/Gary E. Robbins, P.L. 4714 E. Double Eagle Flagstaff, AZ 86004 Home Phone: 928-774-4321			<b>No</b>
<b><u>Stevenson, Jeffrey</u></b> Assistant to the CEO/Good Pay Low Rates, Inc. 1741 N. Fairway Dr. Flagstaff, AZ 86004 Cell Phone: 928-522-4133			<b>No</b>

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**Staff Representative:**      **Jeff Bauman**

**As Of:   February 21, 2013**

**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF**  
**APPLICATION TO SERVE ON A BOARD/COMMISSION**

**RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001**

**PLEASE TYPE OR PRINT IN BLACK INK**  
**APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

**DATE:** 11/2/11

**BOARD/COMMISSION YOU WISH TO SERVE ON:** Transportation Commission

**IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED:** Bicycle and Pedestrian Advisory Committee

**YOUR NAME:** Robin K Blankenbaker **HOME PHONE:** 828-545-6393

**HOME ADDRESS:** 4160 N Zermatt Way **ZIP:** 86004

**MAILING ADDRESS (If Different from Above):**

**EMPLOYER:** WL Gore and Associates **JOB TITLE:** Quality/Regulated Compliance

**BUS. PHONE:** 928-864-4136 **CELL:** 828-545-6393 **E-MAIL:** robinb123@gmail.com

**PLEASE INDICATE PREFERRED TELEPHONE:** ☐ HOME ☐ WORK ☒ CELL


**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I've been in Flagstaff for only 3 years, but chose Flag as my home, in part, because of the pedestrian pathways available. I am a bicycle, foot and public transportation commuter and, consequently have a passion for keeping and improving this vital aspect of the city. My career has been spent in engineering, planning and compliance. I believe that this background as well as my interest in the transportation future of Flagstaff help me to be qualified for service on the commission. My experience includes participation in and eventual ownership of a community-based cycling team in Asheville, North Carolina. I am also an avid runner and am involved with local running-based groups.

**Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)**

I'd like to take part in research for, planning and implementation of Flagstaff's transportation plan. I am an active member of Flagstaff's community and would like this opportunity to serve in a capacity where I could work with a team to improve the city in this very important area. Having lived in other more and less commuter-friendly communities, I can bring a perspective that is broad-based. I also believe that transportation planning is crucial to a city's reputation, future sustainability and ability to attract much needed talent.

I certify that I meet the City Charter requirement of living within the Flagstaff City limits and that I have read and understand the right to have my application considered in a public meeting.

  
**Applicant Signature**

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

11

**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF**  
**APPLICATION TO SERVE ON A BOARD/COMMISSION**

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.**  
**APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: 1/3/13

BOARD/COMMISSION YOU WISH TO SERVE ON: TRANSPORTATION

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: ALL

YOUR NAME: GARY ROBBINS HOME PHONE: 928-774-4321

HOME ADDRESS: 4714 E. DOUBLE EAGLE, FLAGSTAFF AZ ZIP: 86004

MAILING ADDRESS (If Different from Above): 121 E. BIRCH AVE, #504, FLAGSTAFF, AZ 86001

EMPLOYER: GARY E. ROBBINS, PC. JOB TITLE: ATTORNEY

BUS. PHONE: 928-774-4321 CELL: \_\_\_\_\_ E-MAIL: robbins.12w@gmail.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK CELL

**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I HAVE BEEN A CITY RESIDENT FOR 20+ YEARS + HAVE  
HAD A HIGH INTEREST IN ROADS + TRANSPORTATION.

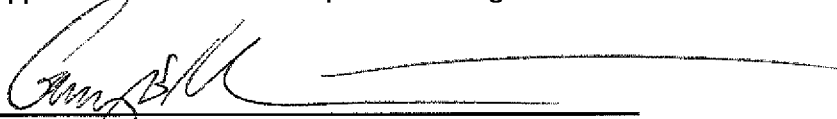
Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

11

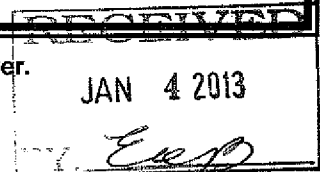
11

11

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

  
Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.



Rec'd  
11/30/12

**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF**  
**APPLICATION TO SERVE ON A BOARD/COMMISSION**

**RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001**

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.**  
**APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

**DATE:** 11/30/2012

**BOARD/COMMISSION YOU WISH TO SERVE ON:** Transportation Commission

**IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED:**

**YOUR NAME:** Jeffrey LaMar Stevenson **HOME PHONE:** 928-522-4133

**HOME ADDRESS:** 1741 N. Fairway Dr. **ZIP:** 86004

**MAILING ADDRESS (If Different from Above):**

**EMPLOYER:** Good Pay Low Rates, Incorporated **JOB TITLE:** Assistant to the CEO

**BUS. PHONE:** 928-522-4133 **CELL:** 928-522-4133 **E-MAIL:** jeff@jeffreylstevenson.info

**PLEASE INDICATE PREFERRED TELEPHONE:** ☒ HOME ☒ WORK ☒ CELL

**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I wrote a book on mountain biking in the Payson area. "Rim Country Mountain Biking," Pruett, Boulder CO. 1995  
I have bike commuted to work off and on for the last 30 years, hundreds of times, thousands of miles.  
I drive a 26-year-old Toyota 4Runner.

**Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)**

I believe the proper transportation services are one of the biggest challenges facing Flagstaff, both now and into the future. In the past, I helped start the El Tour de Tucson, served as a trained Boy Scout leader for more than 10 years, as a volunteer for the high school marching band for seven years, and as a volunteer for a Middle School Music and Drama program for 9 years. I believe community service is important. We moved to Flagstaff permanently about a year ago and believe that promoting responsible traffic controls for vehicles, pedestrians, and bicycles is vitally important to create a livable town. Public transportation is also a key ingredient. Walk-ability is also a key component of transportation needs.

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

  
Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

## **CITY OF FLAGSTAFF STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, Deputy City Clerk  
**Date:** 02/21/2013  
**Meeting Date:** 03/05/2013



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### **TITLE:**

**Consideration of Appointments:** Public Safety Personnel Retirement System Board.

### **RECOMMENDED ACTION:**

Approve the Mayor's appointments, one term expiring in January 2015 and one term expiring September 2015.

### **Policy Decision or Reason for Action:**

By approving the above appointments, the Public Safety Personnel Retirement System Board will be at full membership and will be able to continue meeting on a regular basis. There are two applications on file, they are as follows:

Rodney Peterson  
David VanBoxtaele (currently serving 1st partial term)

### **Financial Impact:**

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

### **Connection to Council Goal:**

Effective governance.

### **Has There Been Previous Council Decision on This:**

None.

### **Options and Alternatives:**

- 1) Approve appointment of the two members, enabling the Public Safety Personnel Retirement System Board to be at full membership, and allowing the group to meet and provide recommendations to the City Council.
- 2) Table the action to allow for further discussion or expand the list of candidates.

**Background/History:**

The Public Safety Personnel Retirement System Board consists of the Mayor, two citizens serving three-year terms, and two representatives each from the Police Department and Fire Department. There are currently two Citizen seats available and pursuant to ARS the Mayor makes the appointments, with approval of the Council. The Police Department and Fire Department representatives are elected by members of the respective departments.

The board meets as needed to process membership and retirement applications from Flagstaff police officers and firefighters.

**Key Considerations:**

It is important to fill the vacancy so as to allow the Board to continue meeting on a regular basis.

**Expanded Financial Considerations:**

None.

**Community Benefits and Considerations:**

The City's boards, commissions, and committees were created to foster public participation and input and to encourage Flagstaff citizens to take an active role in city government.

**Community Involvement:**

INFORM: The vacancies are posted on the City's website and individual recruitment and mention of the openings by Board members and City staff has occurred, informing others of this vacancy through word of mouth.

**Expanded Options and Alternatives:**

**COUNCIL INTERVIEW TEAM:** Mayor Nabours.

Pursuant to Arizona State Statutes, the two citizens are appointed by the Mayor with the approval of the governing body of the City.

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**Attachments:**    [PSPRS Roster](#)  
                          [PSPRS Authority](#)  
                          [PSPRS Applicant Roster](#)  
                          [PSPRS Applications](#)

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
DCM - Jerene Watson	Jerene Watson	02/22/2013 09:19 AM
Form Started By: Stacy Saltzburg		Started On: 02/21/2013 02:25 PM
	Final Approval Date: 02/22/2013	



## *City of Flagstaff, AZ*

### **PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEMBERS**

<b><u>NAME</u></b>	<b><u>APPOINTED</u></b>	<b><u>TERM EXPIRES</u></b>	<b><u>TRAINING COMPLETED</u></b>
<b><u>Harvel, James C.</u></b> Citizen Member Retired 6650 E. Vail Drive Flagstaff, AZ 86004 Home Phone: (928) 526-1944 Term: (1st 4/03-9/04; 2nd 9/04-9/08; 3rd 9/08-9/12)	<b>05/03/2005</b>	<b>09/12</b>	<b>04/18/2007</b>
<b><u>Higgins, Frank</u></b> Employee Member Lieutenant/City of Flagstaff Police Dept. 911 E. Sawmill Rd. Flagstaff, AZ 86001 Work Phone: 928-556-2306 Term: (1st 2/13-12/15)	<b>02/01/2013</b>	<b>12/15</b>	<b>No</b>
<b><u>Holyfield, David</u></b> Employee Member Detective/City of Flagstaff Police Dept. Flagstaff, AZ 86001 Work Phone: (928) 779-3646 Term: (1st 12/07-12/11; 2nd 12/11-12/15)	<b>12/17/2007</b>	<b>12/15</b>	<b>No</b>
<b><u>Mierendorf, Brett</u></b> Employee Member Fire Fighter/City of Flagstaff Fire Dept. 211 W. Aspen Ave. Flagstaff, AZ 86001 Home Phone: (928) 779-7688 Term: (1st 3/06 - 3/10; 2nd 3/10-3/14)	<b>03/01/2010</b>	<b>03/14</b>	<b>No</b>





## *City of Flagstaff, AZ*

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<b><u>Nabours, Jerry</u></b>	<b>07/03/2012</b>	<b>Indefinite</b>	<b>No</b>
Mayor/Chair Mayor/City of Flagstaff 211 W. Aspen Ave. Flagstaff, AZ 86001 Work Phone: 779-7600			
<b><u>Strohmeyer, Scott</u></b>	<b>03/01/2010</b>	<b>03/14</b>	<b>No</b>
Employee Member Fire Fighter/City of Flagstaff Fire Dept. Flagstaff, AZ 86001 Home Phone: (928)779-7688 Term: (1st 3/06 - 3/10; 2nd 3/10-3/14)			
<b><u>VanBoxtaele, David</u></b>	<b>01/15/2008</b>	<b>01/12</b>	<b>02/16/2012</b>
Citizen Member Special Agent/State of Arizona Dept. of Gaming 738 N. Hulet Lane Flagstaff, AZ 86004 Cell Phone: 699-5036 Term: (1st 1/08-1/12)			

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**Staff Representative: Barela/Fennema**

**As Of: February 21, 2013**

## Arizona State Legislature

Bill Number Search:  

Fiftieth Legislature - Second Regular Session

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[PREVIOUS DOCUMENT](#)
**38-847. Local boards**

A. The administration of the system and responsibility for making the provisions of the system effective for each employer are vested in a local board. The department of public safety, the Arizona game and fish department, the department of emergency and military affairs, the university of Arizona, Arizona state university, northern Arizona university, each county sheriff's office, each county attorney's office, each county parks department, each municipal fire department, each eligible fire district, each community college district, each municipal police department, the department of law, the department of liquor licenses and control, the Arizona department of agriculture, the Arizona state parks board, each Indian reservation police agency and each Indian reservation fire fighting agency shall have a local board. A nonprofit corporation operating pursuant to sections 28-8423 and 28-8424 shall have one local board for all of its members. Each local board shall be constituted as follows:

1. For political subdivisions or Indian tribes, the mayor or chief elected official or a designee of the mayor or chief elected official approved by the respective governing body as chairman, two members elected by secret ballot by members employed by the appropriate employer and two citizens, one of whom shall be the head of the merit system, or the head's designee from among the other members of the merit system, if it exists for the group of members, appointed by the mayor or chief elected official and with the approval of the governing body of the city or the governing body of the employer. The appointed two citizens shall serve on both local boards in a city or Indian tribes where both fire and police department employees are members.

2. For state agencies and nonprofit corporations operating pursuant to sections 28-8423 and 28-8424, two members elected by secret ballot by members employed by the appropriate employer and three citizens appointed by the governor. Each state agency local board shall elect a chairman.

3. For fire districts organized pursuant to section 48-804, the secretary-treasurer as chairman, two members elected by secret ballot by members employed by the fire district and two citizens appointed by the secretary-treasurer, one of whom is a resident of the fire district and one of whom has experience in personnel administration but who is not required to be a resident of the fire district.

B. On the taking effect of this system for an employer, the appointments and elections of local board members shall take place with one elective and appointive local board member serving a term ending two years after the effective date of participation for the employer and other local board members serving a term ending four years after the effective date. Thereafter, every second year, and as a vacancy occurs, an office shall be filled for a term of four years in the same manner as previously provided.

C. Each local board shall be fully constituted pursuant to subsection A of this section within sixty days after the employer's effective date of participation in the system. If the deadline is not met, on the written request of any member who is covered by the local board or the employer to the board of trustees, the board of trustees may appoint all vacancies of the local board pursuant to subsection A of this section and designate whether each appointive position is for a two year or four year term. If the board of trustees cannot find individuals to serve on the local board who meet the requirements of subsection A of this section, the board of trustees may appoint individuals to serve as interim local board members until qualified individuals are appointed or elected. Each local board shall meet at least twice a year. Each member of a local board, within ten days after the member's appointment or election, shall take an oath of office that, so far as it devolves on the member, the member shall diligently and honestly administer the affairs of the local board and that the member shall not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the system.

D. Except as limited by subsection E of this section, a local board shall have such

powers as may be necessary to discharge the following duties:

1. To decide all questions of eligibility and service credits, and determine the amount, manner and time of payment of any benefits under the system.
  2. To prescribe procedures to be followed by claimants in filing applications for benefits.
  3. To make a determination as to the right of any claimant to a benefit and to afford any claimant or the board of trustees, or both, a right to a rehearing on the original determination. Except as otherwise required by law, unless all parties involved in a matter presented to the local board for determination otherwise agree, the local board shall commence a hearing on the matter within ninety days after the date the matter is presented to the local board for determination. If a local board fails to commence a hearing as provided in this paragraph, on a matter presented to the local board for determination, the relief demanded by the party petitioning the local board is deemed granted and approved by the local board. The granting and approval of this relief is considered final and binding unless a timely request for rehearing or appeal is made as provided in this article, unless the board of trustees determines that granting the relief requested would violate the internal revenue code or threaten to impair the system's status as a qualified plan under the internal revenue code. If the board of trustees determines that granting the requested relief would violate the internal revenue code or threaten to impair the system's status as a qualified plan, the board of trustees may refuse to grant the relief by issuing a written determination to the local board and the party petitioning the local board for relief. The decision by the board of trustees is subject to judicial review pursuant to title 12, chapter 7, article 6.
  4. To request and receive from the employers and from members such information as is necessary for the proper administration of the system and action on claims for benefits and to forward such information to the board of trustees.
  5. To distribute, in such manner as the local board determines to be appropriate, information explaining the system received from the board of trustees.
  6. To furnish the employer, the board of trustees and the legislature, on request, with such annual reports with respect to the administration of the system as are reasonable and appropriate.
  7. To receive and review the actuarial valuation of the system for its group of members.
  8. To receive and review reports of the financial condition and of the receipts and disbursements of the fund from the board of trustees.
  9. To appoint medical boards as provided in section 38-859.
  10. To sue and be sued to effectuate the duties and responsibilities set forth in this article.
- E. A local board shall have no power to add to, subtract from, modify or waive any of the terms of the system, change or add to any benefits provided by the system or waive or fail to apply any requirement of eligibility for membership or benefits under the system. Notwithstanding any limitations periods imposed in this article, including subsection D, paragraph 3 and subsections G and H of this section, if the board of trustees determines a local board decision violates the internal revenue code or threatens to impair the system's status as a qualified plan under the internal revenue code, the local board's decision is not final and binding and the board of trustees may refrain from implementing or complying with the local board decision.
- F. A local board, from time to time, shall establish and adopt such rules as it deems necessary or desirable for its administration. All rules and decisions of a local board shall be uniformly and consistently applied to all members in similar circumstances. If a claim or dispute is presented to a local board for determination but the local board has not yet adopted uniform rules of procedure for adjudication of the claim or dispute, the local board shall adopt and use the model uniform rules of local board procedure that are issued by the board of trustees' fiduciary counsel to adjudicate the claim or dispute.
- G. Except as otherwise provided in this article, any action by a majority vote of the members of a local board that is not inconsistent with the provisions of the system and the internal revenue code shall be final, conclusive and binding on all persons affected by it unless a timely application for a rehearing or appeal is filed as provided in this article. No later than twenty days after taking action, the local board shall submit to the board of trustees the minutes from the local board meeting that include the name of the member affected by its decision, a description of the action taken and an explanation of the reasons and all documents submitted to the local board for the action taken, including the reports of a medical board. The board of trustees may not implement and comply with any local board action that does not comply with the internal revenue code or that threatens to jeopardize the system's status as a qualified plan under the internal revenue code.
- H. A claimant or the board of trustees may apply for a rehearing before the local board within the time periods prescribed in this subsection, except that if a decision of a local board violates the internal revenue code or threatens to jeopardize the system's status as a qualified plan under the internal revenue code, no limitation period for the board of trustees to seek a rehearing of a local board decision applies. An application for a rehearing shall be filed in writing with a member of the local board or its secretary within sixty days after:
1. The applicant-claimant receives notification of the local board's original action by

certified mail, by attending the meeting at which the action is taken or by receiving benefits from the system pursuant to the local board's original action, whichever occurs first.

2. The applicant-board of trustees receives notification of the local board's original action as prescribed by subsection G of this section by certified mail.

I. A hearing before a local board on a matter remanded from the superior court is not subject to a rehearing before the local board.

J. Decisions of local boards are subject to judicial review pursuant to title 12, chapter 7, article 6.

K. When making a ruling, determination or calculation, the local board shall be entitled to rely on information furnished by the employer, a medical board, the board of trustees, independent legal counsel or the actuary for the system.

L. Each member of a local board is entitled to one vote. A majority is necessary for a decision by the members of a local board at any meeting of the local board.

M. The local board shall adopt such bylaws as it deems desirable. The local board shall elect a secretary who may, but need not, be a member of the local board. The secretary of the local board shall keep a record and prepare minutes of all meetings in compliance with chapter 3, article 3.1 of this title and forward the minutes and all necessary communications to the board of trustees as prescribed by subsection G of this section.

N. The fees of the medical board and of the local board's independent legal counsel and all other expenses of the local board necessary for the administration of the system shall be paid by the employer and not the board of trustees or system at such rates and in such amounts as the local board shall approve. Legal counsel that is employed by the local board is independent of the employer and any employee organization or member and owes its duty of loyalty only to the local board in connection with its representation of the local board.

O. The local board shall issue directions to the board of trustees concerning all benefits that are to be paid from the employer's account pursuant to the provisions of the fund. The local board shall keep on file, in such manner as it may deem convenient or proper, all reports from the board of trustees and the actuary.

P. The local board and the individual members of the local board shall be indemnified from the assets of the employer for any judgment against the local board or its members, including attorney fees and costs, arising from any act, or failure to act, made in good faith pursuant to the provisions of the system, including expenses reasonably incurred in the defense of any claim relating to the act or failure to act.



## *City of Flagstaff, AZ*

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### **PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM APPLICANTS**

<b><u>NAME</u></b>	<b><u>APPOINTED</u></b>	<b><u>TERM EXPIRES</u></b>	<b><u>TRAINING COMPLETED</u></b>
<b><u>Peterson, Rodney</u></b> Retired 1506 N. Sunset Dr. Flagstaff, AZ 86001 Cell Phone: 928-607-0675			No
<b><u>VanBoxtaele, David</u></b> Citizen Member Manager/Arizona Dept. of Gaming 738 N. Hulet Ln Flagstaff, AZ 86004 Cell Phone: 928-699-5036			No

---

**Staff Representative:**      **Barela/Fennema**

**As Of: February 21, 2013**

**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF**  
**APPLICATION TO SERVE ON A BOARD/COMMISSION**

**RECEIVED**

DEC 17 2012

BY: 

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.**  
**APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: 12/13/12

BOARD/COMMISSION YOU WISH TO SERVE ON: \_\_\_\_\_ PSPRS

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: \_\_\_\_\_ PSPRS

YOUR NAME: \_\_\_\_\_ Rodney Peterson \_\_\_\_\_ HOME PHONE: \_\_\_\_\_ 928-779-1890

HOME ADDRESS: \_\_\_\_\_ 1506 N. Sunset Dr. \_\_\_\_\_ ZIP: \_\_\_\_\_ 86001

MAILING ADDRESS (If Different from Above): \_\_\_\_\_

EMPLOYER: \_\_\_\_\_ Retired \_\_\_\_\_ JOB TITLE: \_\_\_\_\_

BUS. PHONE: \_\_\_\_\_ CELL: \_\_\_\_\_ 928-607-0675 \_\_\_\_\_ E-MAIL: \_\_\_\_\_ cajoro1506@hotmail.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK ☒ CELL

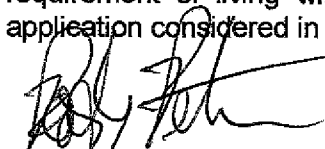
**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

Retired Fire Capt from FFD that served on PSPRS board while on active duty for several years.

**Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)**

I believe everyone should give back to there community that has provided for them in some way!!

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.



Applicant Signature

Rec'd 12/3/12

**IMPORTANT NOTICE:** The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF**  
**APPLICATION TO SERVE ON A BOARD/COMMISSION**

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.**  
**APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: 12/3/12

BOARD/COMMISSION YOU WISH TO SERVE ON: Public Safety Personnel Retirement Board

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: Citizen vacancy

YOUR NAME: David VanBoxtaele HOME PHONE: 928-527-7757

HOME ADDRESS: 738 N. Hulet Ln. ZIP: 86004

MAILING ADDRESS (If Different from Above): same

EMPLOYER: State of Arizona / Arizona Department of Gaming JOB TITLE: Manager

BUS. PHONE: 928-699-6128 CELL: 928-699-5036 E-MAIL: dvanboxtaele@azgaming.gov

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK ☒ CELL

**BACKGROUND INFORMATION:** Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I have served on the PSPRS board for the last 4 years and would like to continue my service. I have also served on the Big Brothers / Big Sisters activity board for 8 years. I was also a "Big Brother" in the community based mentoring program for 9 years. I was named Arizona Big Brother of the year in 2005. I was also on the Flagstaff P.D. / Coconino County Fallen Officer Memorial committee for 4 years, raising private donations to build the fallen officer memorial in front of the Police and Sheriff's department.

**Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)**

I am fortunate to have been employed by the City of Flagstaff Police Department for 22 years (1975 - 1997) and feel it is very important to give back to the community.

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

  
Applicant Signature

12/3/12

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, Deputy City Clerk  
**Date:** 02/21/2013  
**Meeting Date:** 03/05/2013



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**TITLE:**

**Consideration and Action on Liquor License Application:** Lauren Merrett, "Maverik", 1690 W. Rte 66, Series 09 (liquor store - all spirituous liquor), Person Transfer and Location Transfer.

**RECOMMENDED ACTION:**

Open the public hearing.  
Receive citizen input.  
Close the public hearing.

The City Council has the option to:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with no recommendation; or
3. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

**Policy Decision or Reason for Action:**

Series 09 (Liquor Store - all spirituous liquor) licenses are obtained through the person and location transfer of an existing license from another business. The person and location transfer are from Patrick Alan Hurley for Whistle Stop Fueling Station LLC located at 730 W. Rte 66, Williams, Arizona. The liquor license purchased from Whistle Stop Fueling Station was inactive at the time of sale. The Maverik location at 1690 W. Rte 66 is currently operating with a Series 10 liquor license, which is for a liquor store selling beer and wine only.

**Financial Impact:**

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

**Connection to Council Goal:**

Effective governance - regulatory action.

**Has There Been Previous Council Decision on This:**

Not applicable.



**Options and Alternatives:**

1. Table the item if additional information or time is needed.
2. Make no recommendation.
3. Forward the application to the State with a recommendation for approval.
4. Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

**Background/History:**

An application for a person transfer and location transfer Series 09 liquor license was received from Lauren Merrett for Maverik, 1690 W. Route 66. The person transfer and location transfer are from Patrick Alan Hurley for Whistle Stop Fueling Station LLC located at 730 W. Route 66, Williams, Arizona. The liquor license purchased from Whistle Stop Fueling Station LLC was inactive at the time of sale.

A background investigation performed by Sgt. Matt Wright of the Flagstaff Police Department resulted in a recommendation for approval.

A background investigation performed by Tom Boughner, Environmental Code Specialist, resulted in no active code violations being reported.

Sales tax and licensing information was reviewed by Ranbir Cheema, Tax, Licensing & Revenue Manager, who stated that the business is in compliance with the tax and licensing requirements of the City.

**Key Considerations:**

Because the application is for both a person transfer and location transfer, consideration may be given to both the applicant's personal qualifications and the location.

A Series 09 (Liquor Store) license allows a spirituous liquor store retailer to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

The deadline for issuing a recommendation on this application is March 8, 2013.

The applicant is not required to provide the distance between the applicant's business and the nearest church or school for government (Series 05), hotel/motel (Series 11), or restaurant, (Series 12) liquor license applications; the State does not require a geological map or list of licenses in the vicinity for any license series.

**Expanded Financial Considerations:**

This business will contribute to the tax base of the community. We are not aware of any other relevant considerations.

**Community Benefits and Considerations:**

The application was properly posted on January 31, 2013. No written protests have been received to date.

**Expanded Options and Alternatives:**

- (1) Table the item if additional information or time is needed.
- (2) Make no recommendation.
- (3) Forward the application to the State with a recommendation for approval.
- (4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

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**Attachments:**     [Maverik Letter to Applicant](#)  
                          [Hearing Procedures](#)  
                          [Series 9 Description](#)  
                          [Maverik Section 13](#)  
                          [Maverik PD Memo](#)  
                          [Maverik Code Memo](#)  
                          [Maverik Tax Memo](#)

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
DCM - Jerene Watson	Jerene Watson	02/22/2013 09:31 AM
Form Started By: Stacy Saltzburg		Started On: 02/21/2013 02:55 PM
	Final Approval Date: 02/22/2013	

OFFICE OF THE CITY CLERK

February 21, 2013

Maverik Inc.  
Attn: Lauren Merrett  
736 S. Longmore St  
Chandler, AZ 85224

Dear Ms. Merrett:

Your application for a Series 09 person transfer and location transfer liquor license for Maverik at 1690 W. Rte 66 was posted on January 31, 2013. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on Tuesday, March 5, 2013 which begins at 4:00 p.m.

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license and to make a presentation on that information, as well as stating whether or not you have attended the necessary training, whether or not you have had a business prior to this one, and, if so, the kinds of business(es) you have operated. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application will expire on February 20, 2013, and the application may be removed from the premises at any time.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy Saltzburg  
Deputy City Clerk

Enclosure



# City of Flagstaff

## **Liquor License Application Hearing Procedures**

1. When the matter is reached at the Council meeting, the presiding officer will accept a motion to open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. By motion, Council will then close the public hearing.
8. By motion, the Council will then vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

## License Types: Series 09 Liquor Store License (All spirituous liquors)

Transferable (From person to person and/or location to location within the same county only)

Off-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

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### PURPOSE:

Allows a spirituous liquor store retailer to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

### ADDITIONAL RIGHTS AND RESPONSIBILITIES:

A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of **DELIVERY**. The retailer must complete a Department approved "Record of Delivery" form for each spirituous liquor retail delivery.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept delivery of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

**SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)**

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name Whistle Stop #100  
(Exactly as it appears on license) Address 730 W Rt 66 Williams Az 86046
2. New Business: Name Maverik  
(Physical Street Location) Address 1690 W RT 66 Flagstaff AZ 86001
3. License Type: series 09 License Number: 09030052
4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
5. What date do you plan to move? business is currently open with series 10 What date do you plan to open? \_\_\_\_\_

**SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):**

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02) c) Government license (§ 4-205.03)  
b) Hotel/motel license (§ 4-205.01) d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 3252 ft. Name of school Pine Forrest Charter School  
Address 1120 W Kiabab Ln Flagstaff AZ 86001  
City, State, Zip \_\_\_\_\_
2. Distance to nearest church: 2112 ft. Name of church Flagstaff Tabernacle  
Address 1201 W Kiabab Ln Flagstaff AZ 86001  
City, State, Zip \_\_\_\_\_
3. I am the: ☐ Lessee ☐ Sublessee ☒ Owner ☐ Purchaser (of premises)
4. If the premises is leased give lessors: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_
- 4a. Monthly rental/lease rate \$ \_\_\_\_\_ What is the remaining length of the lease \_\_\_\_\_ yrs. \_\_\_\_\_ mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other \_\_\_\_\_  
(give details - attach additional sheet if necessary)
5. What is the total business indebtedness for this license/location excluding the lease? \$ 0  
Please list lenders you owe money to. this is a publicly traded corporation self funded

Last	First	Middle	Amount Owed	Mailing Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Convenience Store

## SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
☐ YES ☒ NO If yes, attach explanation.
8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? ☐ YES ☒ NO
9. Is the premises currently licensed with a liquor license? ☒ YES ☐ NO If yes, give license number and licensee's name:
- License # 10033107 (exactly as it appears on license) Name Maverik Laure4 Kay Merrett

## SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? ☐ YES ☐ NO  
If yes, give the name of licensee, Agent or a company name: \_\_\_\_\_ and license #: \_\_\_\_\_  
Last First Middle
2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this ☐ hotel/motel ☐ restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

\_\_\_\_\_  
applicant's signature

As stated in A.R.S. § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://www.azliquor.gov) and click on the "Information" tab.

\_\_\_\_\_  
applicants initials

## SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your business:
- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Entrances/Exits | <input checked="" type="checkbox"/> Liquor storage areas | Patio: <input type="checkbox"/> Contiguous |
| <input type="checkbox"/> Service windows            | <input type="checkbox"/> Drive-in windows                | <input type="checkbox"/> Non Contiguous    |
2. Is your licensed premises currently closed due to construction, renovation, or redesign? ☐ YES ☒ NO  
If yes, what is your estimated opening date? \_\_\_\_\_  
month/day/year
3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

LM  
applicants initials

## MEMORANDUM

**Memo #13-023-01**

**TO: Chief Treadway**

**FROM: Sgt. Matt Wright #704**

**DATE: February 7, 2013**

**REF Series 9 Person and Location Transfer application for MAVERIK located at 1690 West Route 66**

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On February 7, 2013, I initiated an investigation into an application for a series 9 (liquor store) person and location transfer. The application was filed by Agent, Lauren Merrett, and Controlling Persons Roger Green, Spencer Hewlett, Bradley Call, Michael Call and Robert Whetten. The applicants all have interest and represent Maverik Inc. The Maverik store is located at located 1690 W. Route 66 in Flagstaff. The liquor license number is 09030052.

This license has been purchased by Maverik from the previous owner Patrick Hurley who represented the Whistle Stop located at 730 W. Rt. 66 in Williams, Arizona. The City of Williams is within Coconino County. Maverik is now requesting a name and location change on the license.

The Maverik store is currently operating with a series 10 (beer and wine) liquor license number 10033107. This license is in good standing and no recent liquor violations can be found.

A query through local systems and public access on Lauren Merrett, Roger Green, Spencer Hewlett, Bradley Call, Michael Call and Robert Whetten showed no derogatory records. Lauren stated she has no pending or past liquor law violations and has several other licenses but only has an administrative interest in the liquor license. Lauren also confirmed the current manager for the store has taken the mandatory liquor law training courses and would be able to provide proof if needed.

The business is located more than 300 feet from any church or school.

As a result of this investigation, I can find no reason to oppose this series 9 liquor license name and location transfer. The recommendation to Council would be for approval.





## Planning and Development Services Memorandum

**January 30, 2013**

**TO:** Susan Alden, City Records Technician

**THROUGH:** Roger Eastman, AICP, Zoning Code Administrator

**FROM:** Gregory Brooks, Code Compliance Officer II

**RE:** Application for Liquor License #09030002  
1690 W. Rt. 66, Flagstaff, Arizona 86001  
Assessor's Parcel Number 112-44-006A  
Lauren Merrett on behalf of Maverik, Inc.

---

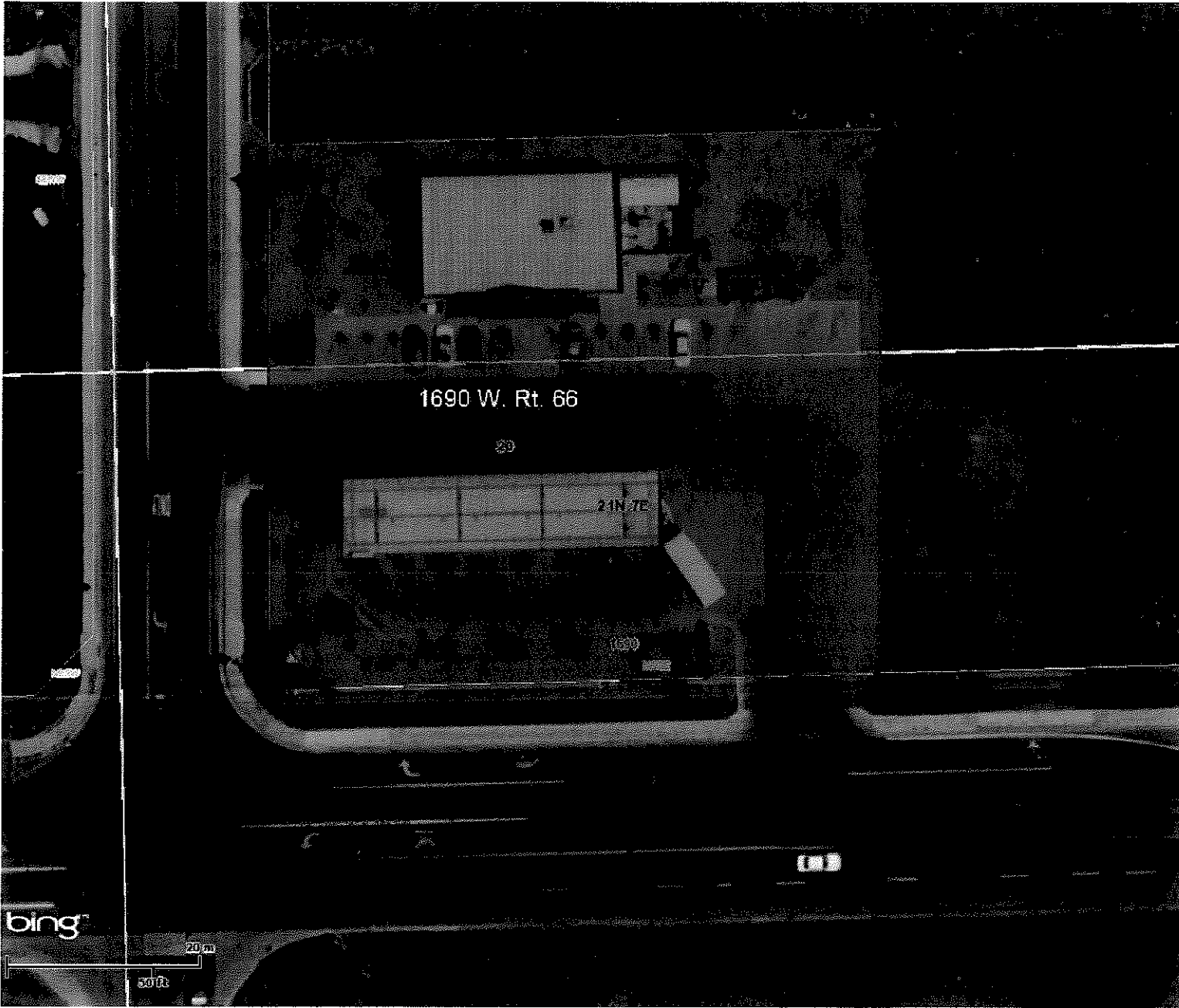
This application is a request for a Series 09 (Liquor Store) person transfer license and location transfer liquor license from Lauren Merrett on behalf of Maverik, Inc., located in the Highway Commercial (HC) Zone. This district allows for liquor stores.

There are no active Zoning Code violations associated with Lauren Merrett or Maverik, Inc. at this time.

This liquor license is recommended for approval.

# Maverik

1690 W. Rt. 66



Wed Jan 30 2013 10:44:38 AM.

# Memo

To: Stacy Saltzburg, Deputy City Clerk

From: Ranbir Cheema - Tax, Licensing & Revenue Manager

Date: February 19, 2013

Re: Series 9 Liquor License – Person Transfer and Location Transfer – Maverik  
Rte 66

---

Maverik Inc has a Transaction Privilege Tax license with the City and is current in reporting and remitting sales tax to the City. Currently, they are in compliance with the sales tax and licensing requirements of the City.

/liquor licenses/Maverik Rte 66.doc



**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Michael Scheu, Building Official  
**Co-Submitter:** Rick Compau, Purchasing Director  
**Date:** 02/05/2013  
**Meeting Date:** 03/05/2013



---

**TITLE:**

**Consideration and Approval of Proposal and Award of Contract:** Residential & Commercial Plan Review Service.

**RECOMMENDED ACTION:**

Consider approving the proposal and awarding the contract to Brown & Associates @ 65% of the adopted plan review fee or \$80.00 per hour.

**Policy Decision or Reason for Action:**

Due to staffing levels and the projected increase in building activity, acquiring this service will allow plan review time frames to be completed in a timely manner and building permits issued more expediently.

**Financial Impact:**

This is an unbudgeted request to be funded from contingency appropriation in the General Fund 001-7202-510-2812. Although this is an unbudgeted request, the General Fund will see an increase in revenues that will offset these charges resulting in no impact to the fund balance. The cost of this service will be 65% of the building permit fee.

**Connection to Council Goal:**

Effective governance

**Previous Council Decision on This:**

No.

**Options and Alternatives:**

Option 1: Approve the proposal from Brown & Associates.

Option 2: Reject all proposals submitted and re-advertise the Request for Proposals.

Option 3: Reject all proposals submitted and not utilize a third party plan review service.

**Background/History:**

In May of 2012, a third party plan review service was acquired through an informal competitive proposal process, due to an influx of building projects in which City Staff could not provide timely plan reviews. When the Community Development Division contracted for this plan review service, plan review time frames went from 8-10 weeks to 4-5 week turn around times. The need for this plan review service began to escalate to more than what we anticipated and therefore, a formal Request for Proposals (RFP) was issued on November 16, 2012, with proposal responses due no later than December 6, 2012. There were a total of five (5) proposal responses received that were evaluated and scored according to the evaluation criteria outlined in the RFP, as follows: Presented Approach (20 %), Qualifications and Experience in Reviewing Residential and Commercial Plans (40%), References and Past Performance (20%) and Value and Pricing Structure (20%). Brown & Associate's proposal was scored the highest and was determined to be the most satisfactory and advantageous to the City.

**Key Considerations:**

By providing more timely plan reviews, building permits will be issued quicker and therefore, more contractors and sub-contractors for residential and commercial construction projects can commence work sooner and bring more revenue and more jobs to the Flagstaff community.

**Expanded Financial Considerations:**

None

**Community Benefits and Considerations:**

Utilizing a third party plan review firm will expedite the plan review process and allow for timely issuance of building permits and will allow builders to keep building.

**Community Involvement:**

None

**Expanded Options and Alternatives:**

None

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**Attachments:**    [Scoring Tabulation](#)  
                          [Service Agreement](#)

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Purchasing Director	Rick Compau	02/05/2013 03:41 PM
Finance Director	Rick Tadder	02/20/2013 11:14 AM
Legal Assistant	Vicki Baker	02/20/2013 11:26 AM
Senior Assistant City Attorney JS	Elizabeth A. Burke	02/21/2013 01:39 PM
Deputy City Attorney	Michelle D'Andrea	02/22/2013 09:39 AM
City Manager	Kevin Burke	02/22/2013 10:25 AM
Form Started By: Michael Scheu		Started On: 02/05/2013 11:37 AM
Final Approval Date: 02/22/2013		

**CITY OF FLAGSTAFF**  
**PURCHASING DIVISION**  
**RESIDENTIAL AND COMMERCIAL PLAN REVIEW ON-CALL SERVICES, RFP NO., 2013-19**

**SCORING TABULATION**

<b>Evaluation Criterion #1-- (20 Points) Presented Approach (Suitability of the Proposal)</b>					
	<b>Willdan Engineering</b>	<b>Brown and Associates</b>	<b>Stantec</b>	<b>Bureau Veritas North America</b>	<b>Madara Engineering</b>
Evaluator #1	80	100	80	80	80
Evaluator #2	76	76	98	78	78
Evaluator #3	60	80	100	100	60
Evaluator #4	100	100	100	80	80
Evaluator #5	100	100	100	80	100
<b>Subtotal:</b>	<b>416</b>	<b>456</b>	<b>478</b>	<b>418</b>	<b>398</b>
<b>Criteria Ranking:</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>5</b>

<b>Evaluation Criterion #2-- (40 Points) Qualifications and Experience in Reviewing Residential and Commercial Plans</b>					
	<b>Willdan Engineering</b>	<b>Brown and Associates</b>	<b>Stantec</b>	<b>Bureau Veritas North America</b>	<b>Madara Engineering</b>
Evaluator #1	160	160	120	160	120
Evaluator #2	156	176	176	144	144
Evaluator #3	200	200	200	200	200
Evaluator #4	200	200	200	200	200
Evaluator #5	200	200	200	200	200
<b>Subtotal:</b>	<b>916</b>	<b>936</b>	<b>896</b>	<b>904</b>	<b>864</b>
<b>Criteria Ranking:</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>5</b>

<b>Evaluation Criterion #3-- (20 Points) References and Past Performance</b>					
	<b>Willdan Engineering</b>	<b>Brown and Associates</b>	<b>Stantec</b>	<b>Bureau Veritas North America</b>	<b>Madara Engineering</b>
Evaluator #1	80	80	60	60	80
Evaluator #2	54	86	100	74	74
Evaluator #3	60	80	100	80	80
Evaluator #4	80	80	80	80	80
Evaluator #5	100	100	100	100	60
<b>Subtotal:</b>	<b>374</b>	<b>426</b>	<b>440</b>	<b>394</b>	<b>374</b>
<b>Criteria Ranking:</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>

<b>Evaluation Criterion #4-- (20 Points) Value and Pricing Structure</b>					
	<b>Willdan Engineering</b>	<b>Brown and Associates</b>	<b>Stantec</b>	<b>Bureau Veritas North America</b>	<b>Madara Engineering</b>
Evaluator #1	0	80	20	60	100
Evaluator #2	60	80	80	90	100
Evaluator #3	40	60	100	100	80
Evaluator #4	60	100	80	80	100
Evaluator #5	60	100	80	80	100
<b>Subtotal:</b>	<b>220</b>	<b>420</b>	<b>360</b>	<b>410</b>	<b>480</b>
<b>Criteria Ranking:</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>1</b>
<b>TOTAL SCORE:</b>	<b>1926</b>	<b>2238</b>	<b>2174</b>	<b>2126</b>	<b>2116</b>
<b>Total Criteria Ranking:</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>












**SERVICE AGREEMENT  
FOR  
RESIDENTIAL AND COMMERCIAL PLAN REVIEW**

**CITY OF FLAGSTAFF  
and  
BROWN & ASSOCIATES CERTIFIED INSPECTION SERVICES, INC.**

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This Agreement for a City of Flagstaff Residential and Commercial Plan Review On-Call Services ("Agreement") is made by and between the City of Flagstaff ("City"), a municipal corporation with offices at 211 W. Aspen Avenue, Flagstaff, Coconino County, Arizona, and Brown & Associates Certified Inspection Services, Inc., an Arizona corporation with an office at 13430 N. Scottsdale Rd., Suite 301, Scottsdale, Arizona 85254 ("Provider"), effective as of the date written below.

**RECITALS**

A. The City desires to enter into this Agreement for residential and commercial plan review for the City of Flagstaff's Community Development Division; and

B. Provider has available and offers to provide the personnel necessary to organize and provide said services in accordance with the Scope of Work, attached to this Agreement as Exhibit A;

For the reasons recited above, and in consideration of the mutual covenants contained in this Agreement, the City and Provider agree as follows:

**1. SERVICES TO BE PERFORMED BY PROVIDER**

Provider agrees to provide the services, as set forth in detail in Exhibit "A" attached hereto and hereby incorporated as part of this Agreement and adopted by reference.

**2. COMPENSATION OF PROVIDER**

The City agrees to make payment, in a fee amount at 65% of building plan review, or \$80 per hour for both residential and commercial plan review set forth in Exhibit "A".

**3. RIGHTS AND OBLIGATIONS OF PROVIDER**

3.1 Independent Contractor. The parties agree that Provider performs specialized services and that Provider enters into this Agreement with the City as an independent contractor. Nothing in this Agreement shall be construed to constitute Provider or any of Provider's agents or employees as an agent, employee or representative of the City. As an independent contractor, Provider is solely responsible for all labor and expenses in connection with this Agreement and for any and all damages arising out of Provider's performance under this Agreement. Provider is not obligated to accept all requests for services, depending on circumstances with other work being performed for other clients.

3.2 Provider's Control of Work. All services to be provided by Provider shall be performed as

determined by the City in accordance with the Scope of Services set forth in Exhibit "A." Provider shall furnish the qualified personnel, materials, equipment and other items necessary to carry out the terms of this Agreement. Provider shall be responsible for and in full control of the work of all such personnel.

3.3 Reports to the City. Although Provider is responsible for control and supervision of work performed under this Agreement, the services provided shall be acceptable to the City and shall be subject to a general right of inspection and supervision to ensure satisfactory completion. This right of inspection and supervision shall include, but not be limited to, all reports if requested by the City to be provided by Provider to the City and the right of the City, and the right of the City to audit Provider's records.

3.4 Compliance with All Laws. Provider shall comply with all applicable laws, ordinances, rules, regulations and executive orders of the federal, state and local government, which may affect the performance of this Agreement. Any provision required by law, ordinances, rules, regulations, or executive orders to be inserted in this Agreement shall be deemed inserted, whether or not such provisions appear in this Agreement.

#### **4. NOTICE PROVISIONS**

Notice. Any notice concerning this Agreement shall be in writing and sent by certified or registered mail as follows:

To the City's Authorized Representative:

**Mike Scheu  
Inspection Manager  
City of Flagstaff  
211 W. Aspen  
Flagstaff, Arizona 86001**

To Provider:

**Michael Brown  
President  
Brown & Associates Certified Inspection  
Services, Inc.  
13430 N. Scottsdale Rd., Suite 301  
Scottsdale, Arizona 85254**

#### **5. INDEMNIFICATION**

To the fullest extent permitted by law, Provider shall indemnify, defend, save and hold harmless the City of Flagstaff and its officers, officials, agents, and employees (hereinafter referred to as "Indemnatee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Provider or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such Provider to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by Provider from and against any and all claims. It is agreed that Provider shall be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Provider shall waive all rights of subrogation against

the City, its officers, officials, agents and employees for losses arising from the work performed by Provider for the City.

## **6. INSURANCE**

Provider and subcontractors, if any, shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Agreement are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by Provider, its agents, representatives, employees or subcontractors.

The insurance requirements herein are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Agreement. The City in no way warrants that the minimum limits contained herein are sufficient to protect Provider from liabilities that may arise out of the performance of the work under this Agreement by Provider, its agents, representatives, employees or subcontractors and Provider is free to purchase additional insurance as may be determined necessary.

**A. Minimum Scope and Limits of Insurance.** Provider shall provide coverage at least as broad and with limits of liability not less than those stated below.

1. Automobile Liability - Any Auto or Owned, Hired and Non-Owned Vehicles  
(Form CA 0001, ed. 12/93 or any replacement thereof.)  
Combined Single Limit Per Accident \$1,000,000  
for Bodily Injury and Property Damage
2. Professional Liability \$1,000,000

**B. SELF-INSURED RETENTIONS/DEDUCTIBLES:** Any self-insured retentions and deductibles must be noted to the City. However, the Proposer shall be solely responsible for any self-insured and/or deductibles associated with the Proposer's insurance coverage.

**C. OTHER INSURANCE REQUIREMENTS:** The policies are to contain, or be endorsed to contain, the following provisions:

1. Commercial General Liability and Automobile Liability Coverages:
  - a. The City of Flagstaff, its officers, officials, and employees are additional insureds with respect to liability arising out of: activities performed by, or on behalf of, the Provider; including the City's general supervision of the Provider; products and completed operations of the Provider; and automobiles owned, leased, hired or borrowed by the Provider.
  - b. The Provider's insurance shall contain broad form contractual liability coverage.
  - c. The Provider's insurance coverage shall be primary insurance with respect to the City, its officers, officials, and employees. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be

in excess to the coverage of the Provider's insurance and shall not contribute to it.

- d. The Provider's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
  - e. Coverage provided by the Provider shall not be limited to the liability assumed under the indemnification provisions of this contract.
  - f. The policies shall contain a waiver of subrogation (not including auto) against the City, its officers, officials, and employees for losses arising from work performed by the Provider for the City.
2. Workers' Compensation and Employer's Liability Coverage: The insurer shall agree to waive all rights of subrogation against the City, its officers, officials, employees and volunteers for losses arising from work performed by the Provider for the City.

6.1 Notice of Cancellation. Each insurance policy required by the insurance provisions of this Agreement shall provide the required coverage and shall not be suspended, voided or canceled except after thirty (30) days prior written notice has been given to the City, except when cancellation is for non-payment of premium, then at least ten (10) days prior notice shall be given to the City. Such notice shall be sent directly to:

**Rick Compau, C.P.M., CPPO, CPPB**  
**Purchasing Director**  
**City of Flagstaff, Purchasing Division**  
**211 W. Aspen Ave.**  
**Flagstaff, Arizona 86001**

6.2 Acceptability of Insurers. Insurance shall be placed with insurers duly licensed or authorized to do business in the State of Arizona and with an "A.M. Best" rating of not less than A-VII, or receiving prior approval by the City. The City in no way warrants that the above-required minimum insurer rating is sufficient to protect Provider from potential insurer insolvency.

6.3 Verification of Coverage. Prior to commencing work or services, Provider shall furnish the City with certificates of insurance (ACORD form or equivalent approved by the City) as required by this Agreement. The certificates for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates and any required endorsements shall be received and approved by the City before work commences. Each insurance policy required by this Agreement shall be in effect at or prior to commencement of work under this Agreement and remain in effect for the duration of this Agreement. Failure to maintain the insurance policies as required by this Agreement or to provide evidence of renewal shall constitute a material breach of contract.

All certificates required by this Agreement shall be sent directly to **Rick Compau, C.P.M., CPPO, CPPB, Purchasing Director, City of Flagstaff, Purchasing Division, 211 W. Aspen Ave., Flagstaff, AZ. 86001**. The City project/contract number and project description shall be noted on the certificate of insurance. The City reserves the right to request and receive within ten (10) days, complete, certified copies of all insurance policies required by this Agreement at any time. The City shall not be obligated, however, to review same or to advise Provider of any deficiencies in such policies and endorsements, and such receipt shall not relieve Provider from, or be deemed a waiver of the City's right to insist on, strict fulfillment of Provider's obligations under this Agreement.

6.4 Subcontractors. Providers' certificate(s) shall include all subcontractors as additional insureds under its policies **or** Provider shall furnish to the City separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to the minimum requirements identified above.

6.5 Approval. Any modification or variation from the insurance requirements in this Agreement shall be made by the City Attorney's office, whose decision shall be final. Such action shall not require a formal amendment to this Agreement, but may be made by administrative action.

## **7. DEFAULT AND TERMINATION**

7.1 Events of Default Defined. The following shall be Events of Default under this Agreement:

7.1.1 Any material misrepresentation made by Provider to the City;

7.1.2 Any failure by Provider to perform its obligations under this Agreement including, but not limited to, the following:

7.1.2.1 Failure to commence work at the time(s) specified in this Agreement due to a reason or circumstance within Provider's reasonable control;

7.1.2.2 Failure to perform the work with sufficient personnel and equipment or with sufficient equipment to ensure completion of the work within the specified time;

7.1.2.3 Failure to perform the work in a manner reasonably satisfactory to the City;

7.1.2.4 Failure to promptly correct or re-perform within a reasonable time work that was rejected by the City as unsatisfactory or erroneous;

7.1.2.5 Discontinuance of the work for reasons not beyond Provider's reasonable control;

7.1.2.6 Failure to comply with a material term of this Agreement, including, but not limited to, the provision of insurance; and

7.1.2.7 Any other acts specifically stated in this Agreement as constituting a default or a breach of this Agreement.

7.2 Remedies.

7.2.1 Upon the occurrence of any Event of Default, the City may declare Provider in default under this Agreement. The City shall provide written notification of the Event of Default and any intention of the City to terminate this Agreement. Upon the giving of notice, the City may invoke any or all of the following remedies:

7.2.1.1 The right to cancel this Agreement as to any or all of the services yet to be performed;

7.2.1.2 The right of specific performance, an injunction or any other appropriate equitable remedy;

7.2.1.3 The right to monetary damages;

7.2.1.4 The right to withhold all or any part of Provider's compensation under this Agreement;

7.2.1.5 The right to deem Provider non-responsive in future contracts to be awarded by the City; and

7.2.1.6 The right to seek recoupment of public funds spent for impermissible purposes.

7.2.2 The City may elect not to declare an Event of Default or default under this Agreement or to terminate this Agreement upon the occurrence of an Event of Default. The parties acknowledge that this provision is solely for the benefit of the City, and that if the City allows Provider to continue to provide the Services despite the occurrence of one or more Events of Default, Provider shall in no way be relieved of any of its responsibilities or obligations under this Agreement, nor shall the City be deemed to waive or relinquish any of its rights under this Agreement.

7.2.3 Any excess costs incurred by the City in the event of termination of this Agreement for default, or in the event the City exercises any of the remedies available to it under this Agreement, may be offset by use of any payment due for services completed before termination of this Agreement for default or the exercise of any remedies. If the offset amount is insufficient to cover excess costs, Provider shall be liable for and shall remit promptly to the City the balance upon written demand from the City.

## **8. GENERAL PROVISIONS**

8.1 Headings. The article and section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of this Agreement.

8.2 Jurisdiction and Venue. This Agreement shall be administered and interpreted under the laws of the State of Arizona. Provider hereby submits itself to the original jurisdiction of those courts located within Coconino County, Arizona.

8.3 Attorney's Fees. If suit or action is initiated in connection with any controversy arising out of this Agreement, the prevailing party shall be entitled to recover in addition to costs such sum as the



court may adjudge reasonable as attorney fees, or in event of appeal as allowed by the appellate court.

8.4 Severability. If any part of this Agreement is determined by a court to be in conflict with any statute or constitution or to be unlawful for any reason, the parties intend that the remaining provisions of this Agreement shall remain in full force and effect unless the stricken provision leaves the remaining Agreement unenforceable.

8.5 Assignment. This Agreement is binding on the heirs, successors and assigns of the parties hereto. This Agreement may not be assigned by either the City or Provider without prior written consent of the other.

8.6 Conflict of Interest. Provider covenants that Provider presently has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Provider further covenants that in the performance of this Agreement, Provider shall not engage any employee or apprentice having any such interest. The parties agree that this Agreement may be cancelled for conflict of interest in accordance with Arizona Revised Statutes § 38-511.

8.7 Authority to Contract. Each party represents and warrants that it has full power and authority to enter into this Agreement and perform its obligations hereunder, and that it has taken all actions necessary to authorize entering into this Agreement.

8.8 Integration. This Agreement represents the entire understanding of City and Provider as to those matters contained in this Agreement, and no prior oral or written understanding shall be of any force or effect with respect to those matters. This Agreement may not be modified or altered except in writing signed by duly authorized representatives of the parties.

8.9 Non-appropriation. In the event that no funds or insufficient funds are appropriated and budgeted in any fiscal period of the City for payments to be made under this Agreement, the City shall notify Provider of such occurrence, and this Agreement shall terminate on the earlier of the last day of the fiscal period for which sufficient appropriation was made or whenever the funds appropriated for payment under this Agreement are exhausted. No payments shall be made or due to Provider under this Agreement beyond these amounts appropriated and budgeted by the City to fund payments under this Agreement.

8.10 Mediation. If a dispute arises out of or relates to this Agreement, and if the dispute cannot be settled through negotiation, the parties agree first to try in good faith to resolve the dispute by mediation before resorting to litigation or some other dispute resolution procedure. Mediation shall take place in Flagstaff, Arizona, shall be self-administered, and shall be conducted under the CPR Mediation Procedures established by the CPR Institute for Dispute Resolution, 366 Madison Avenue, New York, NY 10017, (212) 949-6490, [www.cpradr.org](http://www.cpradr.org), with the exception of the mediator selection provisions, unless other procedures are agreed upon by the parties. Unless the parties agree otherwise, the mediator(s) shall be selected from panels of mediators trained under the Alternative Dispute Resolution Program of the Coconino County Superior Court. Each party agrees to bear its own costs in mediation. The parties shall not be obligated to mediate if an indispensable party is unwilling to join the mediation. This mediation provision shall not constitute a waiver of the parties' right to initiate legal action if a dispute is not resolved through good faith negotiation or mediation, or if a party seeks provisional relief under the Arizona Rules of Civil Procedure.

8.11 Compliance with Federal Immigration Laws and Regulations. Provider hereby warrants to the City that the Provider and each of its subcontractors ("Subcontractors") will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to its employees and A.R.S. §23-214(A) (hereinafter "Provider Immigration Warranty").

A breach of the Provider Immigration Warranty shall constitute a material breach of this Agreement and shall subject the Provider to penalties up to and including termination of this Agreement at the sole discretion of the City.

The City retains the legal right to inspect the papers of any Provider or Subcontractor employee who works on this Agreement to ensure that the Provider or Subcontractor is complying with the Provider Immigration Warranty. Provider agrees to assist the City in regard to any such inspections.

The City may, at its sole discretion, conduct random verification of the employment records of the Provider and any of subcontractors to ensure compliance with Provider's Immigration Warranty. Provider agrees to assist the City in regard to any random verification performed.

The provisions of this Article must be included in any contract the Provider enters into with any and all of its subcontractors who provide services under this Agreement or any subcontract. "Services" are defined as furnishing labor, time or effort in the State of Arizona by a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

8.12 Subcontractors. This Agreement or any portion thereof shall not be sub-contracted without the prior written approval of the City. No Subcontractor shall, under any circumstances, relieve Provider of its liability and obligation under this Agreement. The City shall deal through Provider and any Subcontractor shall be dealt with as a worker and representative of Provider. Provider assumes responsibility to the City for the proper performance of the work of Subcontractors and any acts and omissions in connection with such performance. Nothing in the Contract Documents is intended or deemed to create any legal or contractual relationship between the City and any Subcontractor or Sub-Subcontractor, including but not limited to any third-party beneficiary rights.

8.13 Waiver. No failure to enforce any condition or covenant of this Agreement by the City shall imply or constitute a waiver of the right of the City to insist upon performance of the condition or covenant, or of any other provision of this Agreement, nor shall any waiver by the City of any breach of any one or more conditions or covenants of this Agreement constitute a waiver of any succeeding or other breach under this Agreement.

8.14 Business Operations in Sudan/Iran. In accordance with A.R.S. § 35-397, the Provider certifies that the Provider and its affiliates and subsidiaries do not have scrutinized business operations in Sudan or Iran. If the City determines that the Provider's certification is false, the City may impose all legal and equitable remedies available to it, including but not limited to termination of this Agreement.

## **9. DURATION**

This Agreement shall become effective on and from the day and year executed by the parties, indicated below, and shall continue in force for an initial term of three (3) years, beginning February 20, 2013 through February 19, 2016, unless sooner terminated as provided above. Upon mutual agreement between the City and Provider, this Agreement may be renewed for a maximum of two

(2) additional one (1) year terms, upon mutual agreement from both parties. The Purchasing Director of the City has authority to bind the City only for the purpose of renewing the term of this Agreement as described in this section.

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**City of Flagstaff**

**Provider**

\_\_\_\_\_  
Kevin Burke, City Manager

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

Date of Execution:\_\_\_\_\_

## EXHIBIT A SCOPE OF WORK

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On call plan review services on an as needed basis

**Plan review service to comply with the following:**

1. A high quality review of residential & commercial plans;
2. Comply with City of Flagstaff adopted codes and amendments;
3. Review time for Single Family Residential is 5-10 working days; and
4. Review time for non-residential is 7-14 days.

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Rick Tadder, Finance Director  
**Date:** 02/21/2013  
**Meeting Date:** 03/05/2013



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**TITLE:**

**Consideration of Audited Financial Reports:** Year ending June 30, 2012.

**RECOMMENDED ACTION:**

Approve the June 30, 2012, Comprehensive Annual Financial Report and the Single Audit Report as recommended by the City of Flagstaff Audit Committee.

**Policy Decision or Reason for Action:**

1. The City is required by City Charter (Article VI, Section 5) to have an annual audit performed for each fiscal year.
2. The City is also required to complete the Single Audit Report as the City receives more than \$300,000 in federal financial assistance.

**Financial Impact:**

There is no financial impact to approving the City's Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR) or the Single Audit.

**Connection to Council Goal:**

Effective governance

**Previous Council Decision on This:**

No

**Options and Alternatives:**

- Approve the City's Fiscal Year 2012 CAFR and Single Audit Report.
- Do not approve the City's Fiscal Year 2012 CAFR and Single Audit report with direction to the Audit Committee or independent auditor of Council's questions/issues.

**Background/History:**

The Audit Committee is represented by:

- Celia Barotz, Council Member
- David Cosper, CPA
- Sharman Cawood, CPA
- Christopher Lambert, CPA
- Kevin Burke, City Manager
- Barbara Goodrich, Management Services Director

The CAFR was reviewed by the Audit Committee through a presentation by the audit firm Eide Bailly, LLC, the firm that performed the annual City audit. The presentation of the financial reports to the Audit Committee occurred on January 27, 2013 and was facilitated by Lealan Miller, Partner with Eide Bailly, Pam Eggert, Auditor with Eide Bailly, and Sarah Jones, Auditor with Eide Bailly.

**Key Considerations:**

The City presents its' financial statements in accordance with all standards as defined by the Government Accounting Standards Board (GASB). The City is required by City Charter to have an audit performed for each fiscal year. The City is also required to complete the Single Audit Report as the City receives more than \$300,000 in federal financial assistance.

The City has received an unqualified opinion from the audit firm, meaning they believe the financial statements are fairly presented in accordance with generally accepted accounting principles. In the Communication to Council, the audit firm states: there were no difficulties encountered in performing the audit and; there were no disagreements with management.

There were three items identified as corrected misstatements. The first was related to how a transaction was posted for the change in estimate related to the updated landfill closure and post closure cost calculation. The City initially posted the transaction as a prior period adjustment when it should have been posted as an offset to current expenditures. The second was related to capitalization of donated land in error as the item was recorded in a previous year and was removed. The third was related to an error in posting Solid Waste revenues which was a result of a system integration error. The correct amounts were billing to customer, however the revenues were posting to a payable account. We are in the process of correcting the integration. There were two items identified as uncorrected misstatements. Due to the amount of the transactions, staff held off making adjustments and will research the issues this year. As noted in the letter to Council these items are considered immaterial and do not affect the financial statements as a whole.

There was one finding noted as a significant deficiency and reported in our Single Audit. The City did not have adequate processes in place for recognizing donated property for such reasons as right-of-way, easements, open space or other purposes. Staff is developing procedures to address this concern and will implement this fiscal year.

The Audit Committee unanimously approved the acceptance of the CAFR and Single Audit.

**Expanded Financial Considerations:**

An annual audit is statutorily required by ARS 9-481. In addition, should the City not perform an annual audit of its financial statements and complete a Single Audit, the City could lose valuable grant funding. The amount of reimbursements of Federal Award reported for in Fiscal Year 2012 was \$14.8 million. State and local grant funding was \$1.3 million in Fiscal Year 2012.

**Community Benefits and Considerations:**

Independent review of the City's financial statements elevates the level of confidence that the City is reporting fairly, accurately, and within prescribed guidelines.

**Community Involvement:**

Involve: The community is directly involved through the participation on the Audit Committee.

Inform: Any community member may review the most recent CAFR and Single Audit Report. A copy of the current and historical copies CAFR and Single Audit and SEFA is available in the following locations:

- On the City web site, [www.flagstaff.az.gov](http://www.flagstaff.az.gov) under the Finance and Budget section (<http://www.flagstaff.az.gov/index.aspx?nid=164>)
- At the Flagstaff Public Library, 300 W Aspen Ave, Flagstaff, Arizona
- At the East Flagstaff Community Library, 3000 N 4<sup>th</sup> Street, Suite 5, Flagstaff, Arizona
- Contact the Finance Director at (928) 213-2215

Due to file size of these document, one copy of the CAFR and Single Audit is available in the Council office.

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**Attachments:**

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**Form Review**

Inbox	Reviewed By	Date
Management Services Director	Barbara Goodrich	01/31/2013 10:09 AM
DCM - Josh Copley	Josh Copley	02/01/2013 08:19 AM
Form Started By: Rick Tadder		Started On: 01/29/2013 01:32 PM
	Final Approval Date: 02/21/2013	

## CITY OF FLAGSTAFF STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Josh Copley, Deputy City Manager  
**Date:** 02/20/2013  
**Meeting Date:** 03/05/2013



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### TITLE:

**Consideration of Ordinance No. 2013-08:** An Ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 14, Human Relations, by adding Chapter 2, Civil Rights.

### RECOMMENDED ACTION:

- 1) Read Ordinance No. 2013-08 by title only for the final time
- 2) City Clerk reads Ordinance No. 2013-08 by title only for the final time (if approved above)
- 3) Adopt Ordinance No. 2013-08

### Policy Decision or Reason for Action:

Enactment of Ordinance No. 2013-08 establishes a Civil Rights Ordinance, which will provide protections to people based upon their sexual orientation, gender identity or expression, or Veterans Status in both employment and public accomodation.

### Financial Impact:

The expenses associated with administration of a Civil Rights Ordinance are not currently budgeted. In consideration of experiences reported by municipalities who have enacted similar Civil Rights Ordinances, staff anticipates minimal financial impact on the City's General Fund. If Council approves the Civil Rights Ordinance, staff will make the necessary arrangements to facilitate its administration, including a Request for Proposals (RFP) for the services of an outside Conciliator. Staff believes that, other than the expense of an outside Conciliator; the administrative functions of complaint receipt and processing, as well as investigation services, can be performed in-house with existing resources.

### Connection to Council Goal:

Effective governance

### Has There Been Previous Council Decision on This:

During the Work Session of January 29, 2013, Council reviewed the draft Civil Rights Ordinance and gave staff additional direction on the following elements contained within the proposed language of the Ordinance:

- 1.) Concerns were raised about the inclusion of all federally protected classes even though the City would only be enforcing those additional classes as proposed in the draft Civil Rights Ordinance (e.g. Sexual Orientation, Gender Identity and Expression, and Veterans Status.) The consensus of Council was to leave all federal protected classes in the Ordinance as an affirmation of the City's commitment to



Civil Rights for all recognized protected classes.

2.) By consensus, Council indicated its preference that the Civil Rights Ordinance contain language to not supersede an employer's ability to establish or enforce a dress code for its employees.

3.) Questions were raised by Council as to whether or not the draft Civil Rights Ordinance would interfere with any existing rights or privileges currently afforded to citizens by federal or state law. Staff has added language to the draft Civil Rights Ordinance stating that it does not supersede Federal or Arizona law.

4.) Council expressed its desire to review a comparison chart of allowable penalties in like ordinances of other cities as well as penalties associated with civil violations from other city ordinances. The attached chart depicts the penalties for civil infractions from various city ordinances and selected state laws.

During the regular Council Meeting of February 5, 2013, Council requested that the Civil Rights Ordinance be brought back as a possible action item for the February 19, 2013 meeting as opposed to being limited to just a discussion item.

### **Options and Alternatives:**

1). Consider and discuss draft Civil Rights Ordinance and provide additional direction to staff.

### **Community Involvement:**

Inform  
Consult

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**Attachments:**     [comparison chart of fines](#)  
                              [Ord. No. 2013-08](#)

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### **Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
DCM - Josh Copley (Originator)	Josh Copley	02/08/2013 09:38 AM
Form Started By: Josh Copley		Started On: 02/06/2013 01:27 PM
	Final Approval Date: 02/20/2013	

	Flagstaff	Tucson	Phoenix	Salt Lake City
Civil Rights Ordinance (option A)	\$300 - \$2,500 1 <sup>st</sup> offense	\$300 - \$2,500 1 <sup>st</sup> offense	Class 1 Misdemeanor	\$500: 50 or less employees
	\$600 - \$2,500 2 <sup>nd</sup> offense	\$600 - \$2,500 2 <sup>nd</sup> offense		\$1000: 51 or more employees
	\$900 - \$2,500 3 <sup>rd</sup> offense	\$900 - \$2,500 3 <sup>rd</sup> offense		
Civil Rights Ordinance (option B)	\$0 - \$500 1 <sup>st</sup> offense			
	\$300 - \$1,000 2 <sup>nd</sup> offense			
	\$900 - \$2,500 3 <sup>rd</sup> offense			
Civil Rights Ordinance (option C)	As determined by Council			
Civil Traffic Fines (state law)	\$199 Child Passenger Restraint			
City Ordinance (Business Regulations)	\$168 Selling w/o a license			
A.R.S. 32-1164 (state law)	\$879 Contracting w/o a license			
Misdemeanor charge (state law)	\$500 to \$2,500 and 30 days to 6 months in Jail			
Petty Offense	Max fine of \$300 & no jail			
Flagstaff Zoning Code	\$100 (min) 1 <sup>st</sup> offense			
	\$250 (min) 2 <sup>nd</sup> offense			
	\$500 (min) 3 <sup>rd</sup> offense			
City Smoking Ordinance	\$100 (max) 1 <sup>st</sup> offense			
	\$200 (max) 2 <sup>nd</sup> offense			
	\$300 (max) 3 <sup>rd</sup> offense			

## **ORDINANCE NO. 2013-08**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING FLAGSTAFF CITY CODE TITLE 14, HUMAN RELATIONS, BY ADDING CHAPTER 2, CIVIL RIGHTS**

#### **RECITALS:**

WHEREAS, its residents are the City of Flagstaff's most important asset; and

WHEREAS, the City of Flagstaff is committed to nondiscrimination and fair treatment of its residents, visitors, and employees; and

WHEREAS, the City Council ("Council") supports and values diversity and inclusiveness; and

WHEREAS, the City of Flagstaff ("City") is comprised of diverse and varied groups, communities, and individuals, and the practice of discrimination against these groups, communities, or individuals on the grounds of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, and gender identity or expression, in places of public accommodation and in employment, adversely affects the general welfare of the City and the vitality of its neighborhoods; and

WHEREAS, discriminatory practices are detrimental because they impede the social and economic progress of the City by preventing all people from contributing to or fully participating in the cultural, spiritual, social, and commercial life of the community, essential to the growth and vitality of its neighborhoods and businesses; and

WHEREAS, in developing this chapter, the Flagstaff City Council has investigated other urban centers throughout the nation and studied the effectiveness of ordinances enacted to prevent discriminatory practices; and

WHEREAS, every individual in the City has the right to work and earn wages through gainful employment; and

WHEREAS, the City has found that discrimination in employment and places of public accommodation on the basis of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation and gender identity or expression must be addressed, and the denial or deprivation of employment rights based on these factors is detrimental to the health, safety, and welfare of the City's citizens and damages the City's economic well being; and

WHEREAS, the purpose of this chapter is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in employment and in places of public accommodation, and this chapter shall be liberally construed to achieve that purpose.

#### **ENACTMENTS:**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF  
AS FOLLOWS:**

SECTION 1: That Flagstaff City Code Title 14, Human Relations, is hereby amended by adding the following:

## **CHAPTER 2, CIVIL RIGHTS**

### **Sections:**

<b>14-02-001-0001</b>	<b>Policy Declaration</b>
<b>14-02-001-0002</b>	<b>Definitions</b>
<b>14-02-001-0003</b>	<b>Prohibited Acts</b>
<b>14-02-001-0004</b>	<b>Exclusion</b>
<b>14-02-001-0005</b>	<b>Violation a Civil Infraction; Procedure; Penalties</b>
<b>14-02-001-0006</b>	<b>Complaint Procedures</b>
<b>14-02-001-0007</b>	<b>No Private Right of Action; Effect of Federal and State Laws</b>
<b>14-02-001-0008</b>	<b>Severability</b>
<b>14-02-001-0009</b>	<b>Unlawful Intimidation, Retaliation, and Coercion</b>
<b>14-02-001-0010</b>	<b>Record-keeping; Posting Requirement; Powers</b>

### **Section 14-02-001-0001      Policy Declaration.**

It is the policy of the City of Flagstaff to eliminate prejudice and discrimination due to race, color, religion, sex, age, disability, veterans' status, national origin, sexual orientation, and gender identity or expression, in places of public accommodation and in employment.

### **Section 14-02-001-0002      Definitions.**

In this chapter, unless the context otherwise requires:

- A. *Age* means at least eighteen years of age except:
  - 1. Where state law provides for a greater minimum or maximum legal age.
  - 2. In section 14-02-001-003(B), which shall be deemed to protect any person who is at least forty (40) years of age.
- B. *Conciliator* means an individual selected by the City Manager whose role shall be to attempt to assist the Complainant and Respondent in reaching settlement of a charge filed under this chapter. The Conciliator shall be selected by the City Manager, following established rules and procedures. The Conciliator shall not be an employee of the City of Flagstaff. The Conciliator may not be required to serve as a witness in any legal proceeding concerning matters related to the Conciliator's involvement in carrying out his or her functions pursuant to this chapter.
- C. *Discriminate or discrimination* means to make, directly or indirectly, any distinction with respect to any person or persons based on race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression.
- D. *Disability*, with respect to an individual, means:
  - 1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

2. A record of such an impairment; or
3. Being regarded as having such an impairment; but disability does not include the current illegal use of or addiction to a controlled substance (as defined in the Controlled Substances Act, 21 U.S.C. § 801 et seq.) or the current use of alcohol that prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to the property or the safety of others.

Discrimination on the basis of disability shall be interpreted in a manner consistent with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., the federal regulations promulgated thereunder, and judicial decisions construing them.

- E. *Educational institution* means any private educational institution located or operating in the City of Flagstaff which provides educational services including an academy, college, university, elementary or secondary school, kindergarten, extension course, nursery school system, and a business, nursing, professional, secretarial, technical or vocational school.
- F. *Employer*, except as otherwise provided, means any person employing fifteen (15) or more employees in the City of Flagstaff for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and includes any agent of such person.
- G. *Employment agency* means and includes both public and private employment agencies and any person having an office regularly undertaking, with or without compensation, to procure, recruit, refer or place employees.
- H. *Gender expression* means the ways in which a person manifests masculinity or femininity or “expresses” external characteristics and behaviors associated with gender.
- I. *Gender identity* means an individual's various attributes as they are understood to be masculine and/or feminine and shall be broadly interpreted to include pre- and post-operative transsexuals, as well as other persons who are, or are perceived to be, transgender.
- J. *Investigator* means an individual selected by the City Manager whose role shall be to determine the facts relevant to a charge filed pursuant to this chapter. The Investigator shall be selected by the City Manager, following established rules and procedures. **[Options: 1)** The Investigator may be an employee of the City of Flagstaff; **or 2)** The Investigator shall not be an employee of the City of Flagstaff.]
- K. *Labor organization* means and includes any organization or labor union, craft union, or such organization, conducting a hiring hall which engages in the hiring of employees, or any voluntary unincorporated association designed to further the cause of the rights of union labor, which is constituted for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or apprenticeships or applications for apprenticeships, or for other mutual aid or protection in connection with employment, including apprentice jobs or application for apprenticeship.

- L. *Person* means and includes one or more individuals, partnerships, associations or corporations, legal representatives, trustees, receivers, or other organized groups of persons.
- M. *Place of public accommodation* means facilities, establishments, accommodations, services, commodities or use offered to or enjoyed by the general public, including but not limited to:
1. Hotels, motels, trailer courts and boardinghouses, which shall include any establishments offering lodging to transient guests for compensation.
  2. Restaurants, which shall include lunch counters, coffee shops, lunchrooms, luncheonettes, cafes, cafeterias, tearooms, snack bars or stands, mobile food service facilities, grills, sandwich shops, supper clubs, soft drink fountains, ice cream parlors or stands, and other places which offer food, ice cream or soft drink beverages for purchase and consumption on or off the premises.
  3. Taverns, which shall include bars, barrooms, saloons, roadhouses and like establishments, wherein spirituous or malt liquors or wines are offered for sale for consumption on or off the premises.
  4. Theaters, which shall include places, whether indoors or out-of-doors, at which any theatrical performance, moving picture show, musical concert or recital, dramatic reading or monologue, circus, carnival or other like entertainment or amusement is offered.
  5. Retail establishments, which shall include retail stores, garages, automobile and gasoline service stations, and other like establishments serving the public.
  6. Places of public amusement and recreation, which shall include bowling alleys, billiard halls and poolrooms, dance halls, race courses, shooting galleries, sports arenas or fields, gymnasiums, exhibitions, skating rinks and other like establishments.
  7. Educational facilities, which shall include institutions defined in paragraph (E) of this section.
  8. Public conveyances, which shall include all transportation facilities operated on land, air or water as well as the stations and terminals thereof.
  9. Funeral parlors and places of burial, including any cemetery, mausoleum, crypt, or any establishment for the embalming, processing or interment of corpses.
- N. *Protected class* means each classification for which discrimination is prohibited in this chapter: race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, and gender identity or expression.
- O. *Religion* includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he/she is unable to reasonably accommodate to

an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

- P. *Religious organization* means a religious corporation, association or society; or a school, college, university, or other educational institution or institution of learning if the institution is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association or society; or the curriculum of the institution is directed toward the propagation of a religion.
- Q. Sex shall include, but is not limited to, discrimination because of or on the basis of pregnancy, childbirth or related medical conditions; and women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.
- R. *Sexual orientation* means an individual's heterosexuality, homosexuality, or bisexuality, whether the orientation is real or perceived.
- S. *Veteran's Status* means an individual who served in the armed forces of the United States, including the Army, Navy, Air Force, Marine Corps, and Coast Guard, and who was separated from the armed forces under honorable conditions.

#### **Section 14-02-001-0003 Prohibited Acts.**

It is a violation of this article:

- A. For any owner, operator, lessee, manager, agent or employee of any place of public accommodation to discriminate against any person, or directly or indirectly display, circulate, publicize or mail any advertisement, notice or communication which states or implies that any facility or service shall be refused or restricted because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression, or that any person, because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression, would be unwelcome, objectionable, unacceptable, undesirable or not solicited.
- B. For an employer, because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression to refuse to hire or employ any person or to bar or to discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.
- C. For a labor organization, because of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression to exclude, expel, limit or restrict from its membership such person, or to provide only second class or segregated membership, or to discriminate in any manner against any of its members or against any employer or any person employed by an employer.
- D. For any employer or employment agency to print or circulate, or cause to be printed or circulated, any publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses, directly or

indirectly, any limitation, specification or discrimination as to race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression, or expresses any intent to make any such limitation, specification or discrimination.

- E. For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he/she has opposed in a lawful manner any practices forbidden under this chapter, or because he/she has filed a complaint, testified or assisted in any proceeding under this chapter.
- F. For any person to cause or attempt to cause an employer to discriminate against an individual in violation of this chapter.
- G. For any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter or to attempt to do so.
- H. For any person to discriminate in places of public accommodation or employment against any person, because that person has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this chapter.

**Section 14-02-001-0004 Exclusion.**

- A. This chapter shall not be applicable to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which preferential treatment is given to any individual because he/she is a Native American living on or near a reservation.
- B. This chapter shall not be applicable to any establishment operated by a bona fide private club not conducted for the purpose of evading this article, when the accommodations, advantages, facilities and services are restricted to members of such club and their guests; nor to any bona fide social, fraternal, public educational, civic or religious organization or such private club when the profits of the accommodations, advantages, facilities and services, above reasonable and necessary expenses, are solely for the benefit of such organization or club.
- C. This chapter shall not be applicable to an expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under Boy Scouts of America v. Dale, 530 U.S. 640 (2000).
- D. This chapter shall not apply to the United States government, any of its departments or agencies, or any corporation wholly owned by it; an Indian tribe; or the state of Arizona or any of its departments, agencies, or political subdivisions.
- E. Any person under the influence of alcohol or other drugs, or who is guilty of boisterous conduct, or who violates any regulation of any place of public accommodation that applies to all persons, regardless of race, color, religion, sex, age, disability, veteran's status, national origin, sexual orientation, or gender identity or expression may be excluded without penalty under this article from any such place of public accommodation; and nothing in this article shall be considered to limit the right of such exclusion.



- F. Except as provided in subsection (G) below, this chapter shall not be applicable to a religious organization.
- G. This chapter shall apply to employment or an employment opportunity with a religious organization, wherein the duties of the position pertain solely to activities of the organization that generate unrelated business taxable income subject to taxation under section 511 (a) of the Internal Revenue Code of 1986.
- H. Notwithstanding section 14-02-001-003, it shall not be a violation of this chapter:
1. For an employer, labor organization, or employment agency to prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;
  2. For an employer, labor organization, or employment agency to require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;
  3. For an employer, labor organization, or employment agency to require that employees behave in conformance with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.) or under the drug testing provisions of state law (A.R.S. § 23-493 et seq);
  4. For an employer, labor organization, or employment agency to hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that such entity holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee;
  5. For a place of public accommodation to afford beneficial pricing or policies to senior citizens, students, or individuals with disabilities;
  6. For a place of public accommodation to operate solely as a male-only or a female-only fitness center/gymnasium, as long as the fitness center/gymnasium does not include any of the facilities other than gymnasium listed in Section 14-02-001-0002(M), and does not discriminate against any other protected group identified in Section 14-02-001-0001;
  7. For an employer to establish a legitimate dress code that is applied uniformly to all employees within certain job categories and is reasonably related to the employer's business needs.

**Section 14-02-001-0005      Violation a Civil Infraction; Procedure; Penalties.**

- A. It is a civil infraction for any person to violate any of the provisions of this chapter. Complaints of violations of this chapter shall proceed as prescribed in Section 14-02-001-0006.
- B. The following penalties shall be imposed by the City Court for civil infractions under this chapter:

**[Option 1:** 1. A person found responsible for a civil infraction for the first time shall be fined not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil infraction, a person found responsible for the same civil infraction for a second time shall be fined not less than six hundred dollars (\$600.00) nor more than twenty-five hundred dollars (\$2,500.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00). The imposition of a fine for a civil infraction under this section shall not be suspended.]

**[ or ]**

**[Option 2:** 1. A person found responsible for a civil infraction for the first time shall be fined not more than five hundred dollars (\$500.00) per civil infraction. A person found responsible for the same civil infraction for a second time shall be fined not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00). The imposition of a fine for a civil infraction under this section shall not be suspended.]

**[ or ]**

**[Option 3:** 1. A person found responsible for a civil infraction for the first time shall be fined not less than \_\_\_\_\_dollars (\$ .00) nor more than \_\_\_\_\_ dollars (\$ .00) per civil infraction. A person found responsible for the same civil infraction for a second time shall be fined not less than \_\_\_\_\_dollars (\$ .00) nor more than \_\_\_\_\_ dollars (\$ .00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than \_\_\_\_\_dollars (\$ .00) nor more than \_\_\_\_\_ dollars (\$ .00). The imposition of a fine for a civil infraction under this section shall not be suspended.]

**[ or ]**

**[Option 4:** 1. A person found responsible for a civil infraction for the first time shall be fined not more than \_\_\_\_\_ dollars (\$ .00) per civil infraction. A person found responsible for the same civil infraction for a second tie shall be fined not more than \_\_\_\_\_dollars (\$ .00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not more than \_\_\_\_\_ dollars (\$ .00). The imposition of a fine for a civil infraction under this section shall not be suspended.]

2. Failure of a respondent to comply with any order contained in a judgment for a civil infraction shall result in an additional fine as established by the Flagstaff Municipal Court.

#### **Section 14-02-001-0006 Complaint Procedures.**

- A. Any person claiming to be aggrieved by an alleged violation of this chapter (hereinafter the "Complainant") may file with the City Manager's Office ("CMO") a verified charge, in writing, within ninety (90) calendar days after the alleged violation occurred. The charge shall set forth the facts upon which it is based, shall identify the person charged (hereinafter the "Respondent"), and shall be signed by the Complainant.

- B. The CMO shall furnish the Respondent with a copy of the charge via first class United States mail. The Respondent may file, not later than twenty (20) days following the CMO's mailing of the charge to the Respondent, a written verified answer to the charge.
- C. Within forty-five (45) days following receipt of the charge from the Complainant, the CMO shall conduct an initial screening of the charge to determine whether the City has jurisdiction over the charge, whether the charge was timely filed, and whether the allegations, if true, would constitute a violation of this chapter.
- D. If the CMO determines, based on a review of the charge, that the City does not have jurisdiction, that the charge is untimely, or that the allegations would be insufficient to show a violation of this chapter, the CMO shall dismiss the charge. The decision of the CMO to dismiss the charge, after conducting the initial screening, is final. The CMO shall provide the Complainant, the Respondent, and the City Attorney with written findings concerning the CMO's determination to dismiss the charge and the charge will be considered closed.
- E. If the CMO issues an initial determination that the City has jurisdiction over the charge, that the charge was timely filed, and that the allegations, if true, would constitute a violation of this chapter, the CMO shall refer the matter to a Conciliator, whose role shall be that of mediator. The Conciliator shall attempt to assist the Complainant and Respondent in reaching settlement of the charge in a cooperative manner. In situations involving repeat offenses for alleged violations that have previously gone through the conciliation process, the CMO shall refer the matter to an Investigator, who shall investigate and then submit to the City Attorney who shall determine whether to file a complaint against the Respondent in Flagstaff Municipal Court ("Court"). If a complaint is not filed in Court, the City Attorney may forward the charge to the Conciliator.
- F. The Conciliator shall attempt to assist the Complainant and the Respondent in reaching a settlement of the dispute if the Conciliator deems that such an attempt is practicable. The Conciliator may attempt to eliminate the alleged discriminatory practice by conference, conciliation, and persuasion.
- G. If the mediation is successful, the Conciliator shall enter a conciliation agreement with the Complainant and the Respondent for the purpose of eliminating the alleged discriminatory practice. The terms of a conciliation agreement may require the Respondent to refrain in the future from committing discriminatory practices of the type stated in the agreement and to take such affirmative steps as the Conciliator may require to carry out the purposes of this chapter. If a conciliation agreement is entered into, the Conciliator shall furnish copies to the CMO, the City Attorney, the Complainant, and the Respondent. If a conciliation agreement is entered into, the charge will be considered closed. To the extent permitted by law, except for the terms of the conciliation agreement, neither the Conciliator nor the City Manager, nor any employee thereof, shall make public, without the written consent of the Complainant and Respondent, information concerning efforts in a particular case to eliminate a discriminatory practice through mediation or by conference, conciliation, or persuasion, whether or not there is a conciliation agreement. In addition, such information may not be used as evidence in any judicial proceeding.
- H. If the Conciliator, the Complainant, and the Respondent cannot reach a conciliation agreement, as described in Section G, the Conciliator shall refer the matter to an

Investigator, who shall attempt to determine the facts relevant to the charge filed under this chapter. The Investigator shall conduct an investigation of the charge to determine whether the facts support a finding that a violation of this chapter has occurred. If the Investigator determines that a violation of this chapter did not occur, the Complainant's charge will be dismissed and the matter will be considered closed. If the Investigator determines that a violation of this chapter did occur, the Investigator shall request the City Attorney file a complaint against the Respondent in the Flagstaff Municipal Court.

**Section 14-02-001-0007      No Private Right of Action; Effect of Federal and State Laws.**

This chapter does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. Nothing in this chapter shall supersede federal or Arizona law.

**Section 14-02-001-0008      Severability.**

If any section, sentence, paragraph, term, definition or provision of this chapter is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term, definition or provision of this chapter, all of which will remain in full force and effect.

**Section 14-02-001-0009      Unlawful Intimidation, Retaliation, and Coercion.**

It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, or for testifying, assisting, or participating in any manner in an investigation under this chapter.

**Section 14-02-001-00010      Record-keeping; Posting Requirement; Powers.**

- A. The Investigator may request a Respondent against whom a charge has been filed to file a statement or report in writing, as to all the facts and circumstances concerning the alleged act of discrimination set forth in the charge. Additionally, in connection with any investigation of a charge filed under this chapter, the Investigator and the City Attorney (or designee) shall seek the voluntary cooperation of any person to obtain access to premises, records, documents, individuals, and any other possible source of information.
- B. Every employer, employment agency, and labor organization subject to this article, shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of Section 14-02-001-0003, Prohibited Acts.
- C. No employee of the City of Flagstaff shall make public with respect to a particular person, without his/her consent, information obtained by them pursuant to their authority under this article, except as required by law or as necessary to the conduct of a proceeding under this chapter.
- D. Any person being investigated under this chapter shall have the right to be represented by counsel.

- E. The City Attorney is empowered to seek fines as described in Section 14-02-001-0005 for civil infractions arising under this chapter.

SECTION 2. That the City Clerk be authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary; and that the City Clerk be authorized to make formatting changes needed for purposes of clarity and form, if required, to be consistent with the Flagstaff City Code.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Brian Grube, Recreation Services Director  
**Date:** 02/21/2013  
**Meeting Date:** 03/05/2013



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**TITLE:**

**Consideration and Adoption of Resolution No. 2013-02:** A Resolution of the City Council of the City of Flagstaff designating the "2013 City of Flagstaff Parks and Recreation Organizational Master Plan" as a public record and adopting the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan.

**RECOMMENDED ACTION:**

Should the Council wish to move forward with adoption of the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan as presented:

- 1) Read Resolution No. 2013-02 by title only.
- 2) City Clerk reads Resolution No. 2013-02 (if approved above).
- 3) Adopt Resolution No. 2013-02.

**Policy Decision or Reason for Action:**

Adoption of Resolution No. 2013-02 designates the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan as a public record and adopts the Plan, which establishes guidelines, standards and recommendations for parks and recreation for the next 10 years. The Plan establishes direction to guide City staff, advisory committees, and elected officials in their efforts to enhance the community's parks and recreation services and facilities.

**Financial Impact:**

There is no financial impact to adopting the Resolution.

**Connection to Council Goal:**

Fund existing and consider expanded recreational services. The Parks and Recreation Organizational Master Plan process is a vital component of local government operations. Its purpose is to assess the current state of affairs regarding the provision of municipal parks and recreation services, stimulate an open public discussion of future needs for municipal parks and recreation programs, services, areas and facilities, and establish a plan of action for the future growth and development of municipal parks and recreation services. The end product of the Master Plan process provides the City a viable blueprint and plan of action to guide the future orderly growth and development of the community comprehensive parks and recreation system.

**Has There Been Previous Council Decision on This:**

On June 5, 2012 Council directed staff to bring the Plan back to Council to review chapter by chapter in order to thoroughly understand and analyze the document. At the February 5, 2013, Council Meeting, Mayor Nabours asked for more time to further review the Plan before its adoption.

**Options and Alternatives:**

- A. Adopt Resolution No. 2013-02, approving the Parks and Recreation Organizational Master Plan
- B. Adopt a modified version of Resolution No. 2013-02
- C. Do not adopt Resolution No. 2013-02

**Background/History:**

Currently, the strategic planning document for parks and recreation is the 1996 Long Range Master Plan for Parks, Recreation and Open Spaces. This document was designed to span a ten (10) year time frame which has passed and is outdated in its usefulness other than as a historic framework. The City has grown, the community needs have changed, financial forecasting and service standards have evolved, stakeholders have increased, trends have emerged, and existing conditions have been impacted by all of the above. The City needed to identify current resources and project future demand in order to plan for a diverse parks and recreation system including facilities, services, and programs.

**Key Considerations:**

The new Plan is organized as a reference document for the City of Flagstaff community, the City of Flagstaff Recreation Services Division, Park Maintenance Section, City of Flagstaff elected and appointed officials, and other City Divisions. The first section of the Plan provides background data and a description of the Master Plan process and community engagement activities that were conducted during the development of this Plan. The first three chapters include information about the Plan and planning process. The Plan Vision is located in Chapter Four. Chapters Five through Eleven provide an overview, analysis and goals and strategies for parks, programs, events, facilities, maintenance and funding. Plan action strategies are organized into three groups:

- (1) those that could be implemented in a reduced budget scenario
- (2) those that could occur with no change in funding; and,
- (3) those that could occur in an enhanced funding scenario.

Supporting documents--documents incorporated by reference and areas addressed by other plans and entities (including open space and trails)--are discussed in Appendix A. A description of the planning process, the outreach efforts, including a community survey and benchmarking, is included in Appendix B of the Plan.

Changes to the Master plan as a result of the Council work session reviews are summarized in the attachment titled "Work session changes to the Parks and Recreation Master Plan 2013."

**Community Benefits and Considerations:**

Community Benefits and Considerations. With the increasing recognition of the many benefits derived from outdoor recreation, organized sports and leisure activities, and natural open spaces within the community, Flagstaff recognizes the need for enhancing both the quantity and quality of recreation opportunities for people of all ages and abilities. Past master planning efforts have shown three main goals: (1) to provide parks, recreation facilities and open spaces through public and private resources which become the foundation of community pride; (2) to provide residents with active and passive recreational opportunities by maximizing the use of dedicated parks, recreation facilities, and open spaces; and, (3) to promote habits of activity for a stronger, healthier community through offering recreation programs and services which encourage residents and visitors alike to lead balanced lives.

## Community Involvement:

A variety of community participation opportunities, including public open houses, surveys, outreach materials, focus groups, and stakeholder meetings, allowed for significant community involvement and input into the plan. Over the two-year period of this master planning effort, continued public involvement was the key to maintaining the support of the community and ensuring their desires were reflected in the plan. The following public involvement forums were conducted throughout this process for the public to provide ideas and comments:

- 2 Community Meetings/Workshops (2011)
- Benchmark Survey (Winter/Spring 2012)
- Draft Plan available for review (Dec 2011 -Jan 2012)
- Parks and Recreation Commission (5 Meetings 2010-2012)
- City Council (2 Meetings 2011 - 2012)
- Disability Awareness Commission (2011)
- Open Space Commission (2011)
- City-sponsored web page with feedback form
- Chapters reviewed at City Council work sessions (5 meetings September 2012 – January 2013)

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**Attachments:**     Res. 2013-02  
                              Work session changes to P&R Master Plan

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### Form Review

Inbox	Reviewed By	Date
Legal Assistant	Vicki Baker	01/23/2013 02:30 PM
Senior Assistant City Attorney DW	David Womochil	01/24/2013 11:31 AM
Community Enrichment Director	Stacy Saltzburg	01/24/2013 12:06 PM
DCM - Jerene Watson	Jerene Watson	01/24/2013 03:05 PM
Form Started By: Brian Grube		Started On: 01/22/2013 11:04 AM
	Final Approval Date: 02/21/2013	



## **RESOLUTION NO. 2013-02**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF DESIGNATING THE “2013 CITY OF FLAGSTAFF PARKS AND RECREATION ORGANIZATIONAL MASTER PLAN” AS A PUBLIC RECORD AND ADOPTING THE 2013 CITY OF FLAGSTAFF PARKS AND RECREATION ORGANIZATIONAL MASTER PLAN**

#### **RECITALS:**

WHEREAS, the primary goal of the Parks and Recreation Organizational Master Plan is to provide for a viable blueprint and plan of action to guide the future orderly growth and development of the community's comprehensive parks and recreation system for the citizens of Flagstaff, Arizona; and

WHEREAS, the Flagstaff City Council recognizes the need for a Parks and Recreation Organizational Master Plan to provide goals, needs assessments, standards, recommendations, and strategies for implementation over a ten-year period in an effort to provide for, and continually improve, park and recreational facilities, programs, and services; and

WHEREAS, in collaboration with Flagstaff's citizens and after considerable analysis and study, staff and consultants have prepared the Parks and Recreation Organizational Master Plan document; and

WHEREAS, the Parks and Recreation Commission has been involved with the preparation of the Parks and Recreation Organizational Master Plan and recommends its adoption as a guide for existing and future citizens of the City of Flagstaff, Arizona; and

WHEREAS, having taken into consideration the desires of the citizens of Flagstaff and the in-depth study conducted by the staff and consultants, the City Council concludes that its recommendations are appropriate and reasonable; and

WHEREAS, three copies of the City of Flagstaff Parks and Recreation Organizational Master Plan have been placed on file with the City Clerk so that the official copies thereof shall be readily available to the public.

#### **ENACTMENTS:**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AS FOLLOWS:**

Section I. That the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan, three copies of which are on file in the City Clerk's Office and attached hereto, is hereby declared to be a public record.

Section II. That the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan is intended to provide ongoing guidance to the City Council and the City of Flagstaff staff for comprehensive strategic planning of parks and recreational facilities, programs, and services for its citizens.

Section III. That the Parks and Recreation Commission has prioritized parks and recreation unfunded capital improvement projects in order to guide and plan for future development and acquisition with the list as follows:

- Westside Parkland Acquisition
- Competitive Lap Pool
- Bushmaster Park Improvements
- Enclosed Tennis Structure/Bubble
- Continental Park Improvements, Phase I
- Wheeler Park Redesign, Phase I
- Christensen Park Development/Soccer Fields

Section IV. That the Flagstaff City Council hereby adopts the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 5<sup>th</sup> day of March, 2013.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

# City of Flagstaff Parks And Recreation Organizational Master Plan

## Council Worksession Comment Tracking

Chapter	Strategy	Comment:	Changed to read (changes in <i>red italics</i> ):
Parks	A.1.1.2	Selling or repurposing of existing parks, particularly the two acres or less, was a concern as many are located in areas needing the facilities. Infill was being encouraged in older neighborhoods and there may not be enough room for larger parks, but they were still needed. Communication with affected neighborhoods should take place if such sale or repurpose was proposed. Clearer articulation within the document on this subject should be made.	<b>Reduced Strategy:</b> Consider reducing Neighborhood/Pocket park inventory in some areas in keeping with minimum Neighborhood park service area standard of 1/3 mile. <i>In making any decisions regarding reducing pocket or neighborhood parks, consider if these parks will be needed due to future infill, economics, or other considerations. Work closely with neighborhoods regarding any decisions regarding repurposing neighborhood parks.</i>
Parks	A.1.4.1	Concern was voiced with having a Regional Park at Lake Mary when the County already had a Regional Park at Fort Tuthill. It was noted that there would not be duplication of amenities; they would offer different services, such as fields at Lake Mary. Additionally, the City staff has been working with County staff through this process.	<b>Reduced Strategy:</b> Consider working with private entities to develop Lake Mary Park as a Regional fee-for-use park <i>with facilities that do not duplicate those at Fort Tuthill Park, or that are needed in addition to facilities at Fort Tuthill Park.</i> <b>Baseline Strategy:</b> Development of Lake Mary Park by 2030 <i>with facilities that do not duplicate those at Fort Tuthill Park, or that are needed in addition to facilities at Fort Tuthill Park.</i> <b>Enhanced Strategy:</b> Development of Lake Mary Park by 2030 <i>with facilities that do not duplicate those at Fort Tuthill Park, or that are needed in addition to facilities at Fort Tuthill Park.</i>

## City of Flagstaff Parks And Recreation Organizational Master Plan Council Worksession Comment Tracking

Programs and Fee Philosophy:	A.1.2.5	Private maintenance of some parks. This was problematic; there needs to be some type of mechanism for the City to facilitate maintenance.	Require new developments to provide land or funds for the purchase, development and maintenance of Community parks lands in accordance with the standards of this Plan <i>and in accordance with a city monitored maintenance plan.</i>
	A.6.1.2	With the specialized indoor facilities and charging a fee for use, they need to keep in mind that some of these facilities are paid for with bond monies, and they should be mindful that all people have access to the facilities that they pay for already.	<p><b>Reduced:</b> Establish an aggressive fee policy for the Division <i>that is mindful of bond funding that was contributed by taxpayers towards construction of facilities and</i> ensures operating costs are covered for programs and services, facility usage, and rentals.</p> <p><b>Baseline:</b> Establish a comprehensive fee policy for the Division that <i>that is mindful of bond funding that was contributed by taxpayers towards construction of facilities and covers</i> programs and services, facility usage, and rentals. This policy should be reviewed and update at least every other year.</p>
	Page 81 (General Fee Guidelines), 4 <sup>th</sup> bullet	Page 81 referenced the 50% cost recovery for youth and seniors. Staff noted there was a fee philosophy that the City would subsidize 50% for youth and they were now recommending to include seniors in that group, with all adult services having cost recovery at 100%. It was suggested that this be noted in the Plan.	Senior activities, programs and facility access should be priced similar to youth. <i>Currently the city subsidizes youth programs at 50%. Seniors should be added to this group.</i>
Events	A.2.1.1	Additionally, with marketing Buffalo Park for things such as	<b>Baseline:</b> Consider advertising Buffalo and McPherson Park as locations for

## City of Flagstaff Parks And Recreation Organizational Master Plan Council Worksession Comment Tracking

		weddings and reunions, they were not sure that the public reserved those parks for those kinds of functions, but they need to maintain the open space of the park and not cut off access.	family celebrations such as weddings and reunions. <i>Provide opportunities for these events while providing public access to larger open space areas that are a part of these parks.</i>
Maintenance	A.1.1.5, Reduced, Baseline and Enhanced strategies added	Discussion was held on the reduced maintenance in the undeveloped portions of parks. It was suggested that wording be included within the Plan to indicate that those areas would be addressed on a complaint-driven basis.	Maintain the undeveloped areas of Buffalo Park and natural open space at McPherson and Thorpe Parks in accordance with NRPA Level 6 Standards <i>and on a complaint driven basis.</i>
Maintenance	A.2.4.1	Council requested that a numbering system similar to what is used for park maintenance be assigned to the recreation facilities and services. The numbering system helps to put into perspective the areas that need improvement.	<b>Reduced:</b> <i>Develop facilities maintenance standards, modeled on those used for parks maintenance, that ensure facilities are maintained to be safe and enjoyable and encourage partnerships with other entities to maintain facilities to the greatest extent possible.</i>  <b>Baseline and Enhanced:</b> <i>Develop facilities maintenance standards, modeled on those used for parks maintenance, that ensure facilities are maintained to be safe and enjoyable.</i>
Finance	A.1.1.1	Replace existing strategy.	<i>Take BBB parks to a service level 2, no FUTS construction, keep recreation programming.</i>

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Elizabeth A. Burke, City Clerk  
**Date:** 02/22/2013  
**Meeting Date:** 03/05/2013



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**TITLE**

**Discussion Item and Possible Action:** Discontinuance of the Izabel Homes Project.

**RECOMMENDED ACTION:**

Council direction.

**INFORMATION**

Councilmember Oravits requested that this item be placed on the agenda under Section 15, Discussion Item and Possible Action, to determine if there was a majority of the Council interested in placing this item on a future agenda for consideration and possible discontinuance of the Izabel Homes project.

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**Attachments:**

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**Form Review**

**Inbox**  
City Manager

**Reviewed By**  
Elizabeth A. Burke

**Date**  
02/22/2013 01:41 PM  
Started On: 02/22/2013 10:57 AM

Form Started By: Elizabeth A. Burke

Final Approval Date: 02/22/2013

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Elizabeth A. Burke, City Clerk  
**Date:** 02/22/2013  
**Meeting Date:** 03/05/2013



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**TITLE**

**Discussion Item and Possible Action:** Ordinance re feeding of wildlife.

**RECOMMENDED ACTION:**

Council direction.

**INFORMATION**

Mayor Nabours requested that this item be placed on agenda under Section 15, Discussion and Possible Action, to determine if a majority of the Council was interested in placing it on a future agenda for consideration and possible adoption of an ordinance to prohibit feeding of wildlife.

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**Attachments:**

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**Form Review**

Inbox	Reviewed By	Date
City Manager	Elizabeth A. Burke	02/22/2013 01:41 PM
Form Started By: Elizabeth A. Burke		Started On: 02/22/2013 11:01 AM
	Final Approval Date: 02/22/2013	